





Brighton & Hove  
City Council

# Overview & Scrutiny

Title:	<b>Environment &amp; Community Safety Overview &amp; Scrutiny Committee</b>
Date:	<b>22 June 2009</b>
Time:	<b>4.00pm</b>
Venue	<b>Banqueting Room, Hove Town Hall</b>
Members:	<b>Councillors:</b> Morgan (Chairman), Janio (Deputy Chairman), Davey, Davis, Drake, Rufus, Smart and Wells
Contact:	<b>Mary van Beinum</b> <b>Overview &amp; Scrutiny Support Officer</b> 01273 - 29 - 1062 mary.vanbeinum@brighton-hove.gov.uk

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## ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE

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Date of Publication - Friday, 12 June 2009



## **Agenda Item 1**

### **To consider the following Procedural Business:-**

#### **A. Declaration of Substitutes**

Where a Member of the Committee is unable to attend a meeting for whatever reason, a substitute Member (who is not a Cabinet Member) may attend and speak and vote in their place for that meeting. Substitutes are not allowed on Scrutiny Select Committees or Scrutiny Panels.

The substitute Member shall be a Member of the Council drawn from the same political group as the Member who is unable to attend the meeting, and must not already be a Member of the Committee. The substitute Member must declare themselves as a substitute, and be minuted as such, at the beginning of the meeting or as soon as they arrive.

#### **B. Declarations of Interest**

- (1) To seek declarations of any personal or personal & prejudicial interests under Part 2 of the Code of Conduct for Members in relation to matters on the Agenda. Members who do declare such interests are required to clearly describe the nature of the interest.
- (2) A Member of the Overview and Scrutiny Commission, an Overview and Scrutiny Committee or a Select Committee has a prejudicial interest in any business at meeting of that Committee where –
  - (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken the Member was
    - (i) a Member of the Executive or that committee, sub-committee, joint committee or joint sub-committee and
    - (ii) was present when the decision was made or action taken.
- (3) If the interest is a prejudicial interest, the Code requires the Member concerned:-
  - (a) to leave the room or chamber where the meeting takes place while the item in respect of which the declaration is made is under consideration. [There are three exceptions to this rule which are set out at paragraph (4) below].
  - (b) not to exercise executive functions in relation to that business and

(c) not to seek improperly to influence a decision about that business.

(4) The circumstances in which a Member who has declared a prejudicial interest is permitted to remain while the item in respect of which the interest has been declared is under consideration are:-

- (a) for the purpose of making representations, answering questions or giving evidence relating to the item, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, BUT the Member must leave immediately after he/she has made the representations, answered the questions, or given the evidence,
- (b) if the Member has obtained a dispensation from the Standards Committee, or
- (c) if the Member is the Leader or a Cabinet Member and has been required to attend before an Overview and Scrutiny Committee or Sub-Committee to answer questions.

**C. Declaration of Party Whip**

To seek declarations of the existence and nature of any party whip in relation to any matter on the Agenda as set out at paragraph 8 of the Overview and Scrutiny Ways of Working.

**D. 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 2 of the Agenda states in its heading the category under which the information disclosed in the report is confidential and therefore not available to the public.*

*A list and description of the exempt categories is available for the public inspection at Brighton and Hove Town Halls.*

**BRIGHTON & HOVE CITY COUNCIL**

**ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE**

**4.00PM 23 MARCH 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Morgan (Chairman); Janio (Deputy Chairman), Davey, Davis, Drake, Smart, Older and Kennedy

**PART ONE**

**52. PROCEDURAL BUSINESS**

**52 PROCEDURAL BUSINESS**

**52a Declarations of Substitutes**

Councillor Averil Older was acting as substitute for Councillor Geoffrey Wells; Councillor Amy Kennedy was acting as substitute for Councillor Sven Rufus

**52b Declarations of Interests**

There were none.

**52c Declaration of Party Whip**

There were none.

**52d Exclusion of Press and Public**

In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

**RESOLVED:** That the press and public be not excluded from the meeting.

**53. MINUTES OF PREVIOUS MEETING**

**53.1** The minutes of the previous meeting were agreed.

**53.2 RESOLVED** – That the minutes of the meeting held on 26 January 2009 be approved and signed by the Chairman.

#### **54. CHAIRMAN'S COMMUNICATIONS**

**54.1** The Chairman said that the draft London Road Central Masterplan SPD was now scheduled to go to Environment Cabinet Member Meeting for permission to consult on 7 May 2009. Should it be approved the 6-week statutory consultation period would be likely to begin in the week starting 27 May. Therefore it was suggested that there be a joint scrutiny workshop with Culture Tourism and Enterprise Overview and Scrutiny Committee (CTEOSC) at around the mid/end April to consider the proposals, as planned previously.

**54.2** The Chairman said that the Shoreham Harbour Joint Area Action Plan was also on the agenda for information of CTEOSC on 2 April 2009.

#### **55. PUBLIC QUESTIONS**

**55.1** There were none.

#### **56. LETTERS FROM COUNCILLORS/ NOTICES OF MOTION REFERRED FROM COUNCIL**

**56.1** This item was heard after Item 57.

**56.2** Councillor Amy Kennedy spoke on behalf of Councillor Paul Steedman, who was delayed in attending the Committee. Councillor Steedman requested that the Committee consider carrying out scrutiny on roadworks in the city.

**56.3** The Committee agreed that the request could be considered and that it would be best to do so when considering agenda item 65, the ECSOSC Work Plan.

**56.4 RESOLVED** –that the request for scrutiny on roadworks be considered with the Work Plan agenda item.

#### **57. DISCUSSION WITH COUNCILLOR DEE SIMSON CABINET MEMBER FOR COMMUNITY AFFAIRS, INCLUSION AND INTERNAL RELATIONS**

**57.1** This item was heard before Item 56.

**57.2** Councillor Simson spoke about her role as Cabinet Member for Community Affairs, Inclusion and Internal Relations, which was a relatively new addition to her portfolio.

**57.3** Councillor Simson gave details about a number of developments that had taken place. These included:



- a government initiative to stop violence against women and girls, which held a consultation exercise in the city.
- The first meeting for Local Action Team Chairmen, which had included debates and workshops; consideration was being given to having a shared Terms of Reference for all groups.
- There was a requirement for the local authority to establish a Crime and Disorder scrutiny committee; this may well have an impact on the ECSOSC.
- Overall, crime figures had reduced by 9% in the city, but there was an increase in acquisitive crime and research was being carried out into the reasons and solutions to this

**57.4** Councillor Simson was asked whether she would allow the Scrutiny Panel on Older People and Community Safety to complete its work and make recommendations via a full meeting of the Environment and Community Safety Overview and Scrutiny Panel before acting on those recommendations or aspects of the Panel's work. She confirmed that she would.

**57.5** Members commented that it was a positive idea to bring all of the Local Action Teams together, as they would all be in different stages of development, and the more established groups would be able to share good practice with the newer teams.

**57.6** The Chairman thanked Councillor Simson for her presentation on behalf of the panel.

## **58. PERFORMANCE IMPROVEMENT REPORT QUARTER 3**

**58.1** The Performance Analyst introduced the report; as much information as possible had been included in the report but not all information was available. For example, data for NI 47 was only available from the Department of Transport on an annual basis.

**58.2** Members asked for the list of 26 identified sites mentioned in the action plan to target NI 47; it was agreed that this would be circulated.

**58.3** With regard to NI 192/193 – percentage of household waste sent for reuse/ recycling/ composting and percentage of municipal waste landfilled – members queried where the remaining 20% of waste went to. It was explained that this was used to create energy from waste. Energy from Waste is not tracked as a national indicator and is not included within the report as there is no statutory obligation to report on it

**58.4** The Chairman thanked the officer for a helpful report and agreed that it would develop into an informative evidence base for the committee to use.

**58.5 RESOLVED** – (1) that the Committee notes progress against key indicators and (2) that the list of 26 sites in the action plan for NI47 be circulated to Committee Members.

## **59. PARKING CONTROL**

**59.1** The Head of Network Management introduced the report and responded to the Committee's questions.

**59.2** In response to a query about whether the timetable for parking zones in Appendix D was being adhered to, members heard that it had slipped by approximately three months, due to the procurement process for the consultants.

**59.3** In response to comments about consultation and reviews, members heard that each parking scheme was individually consulted on, and not all schemes would necessarily go ahead, depending on the consultation outcome. Schemes were no longer formally reviewed once they had been in place for approximately a year because of the need to direct resources to new areas. However, at least once a year a Traffic Order was advertised which proposes any minor changes requested by members, residents or businesses and investigated by the Parking Strategy Team.

**59.4** In response to comments indicating that residents did not like having controlled parking zones, members heard that, in general, schemes were not imposed on residents but that they were considered in areas where residents had asked for them. Controlled parking zones were felt to be the best available option for dealing with the city's parking pressures.

The only situation in which a controlled parking zone might be perceived to be 'imposed' was when roads needed to be included to ensure a practicable and viable scheme. For example, if one road in the middle of a proposed scheme area was not in favour of the scheme but was surrounded by roads that were in favour, in these circumstances it would be impractical for one road to be singled out as not being in the scheme.

The Head of Network Management agreed that controlled parking zones could alter driver behaviour – for example, some people may choose to use alternative transport to an area in a parking scheme – and this means that it can be impossible to predict with accuracy what, if any, displacement may occur. However, schemes can and cause displacement from within a zone to outside it. It was important to make zones a manageable size and to introduce them incrementally.

**59.5** Members asked about the possibility of marking individual car spaces. They were told that this had been tried previously but that problems occurred if one car was incorrectly parked, as this meant that all of the other vehicles parked there would also be outside of the markings, and they could all potentially be fined.

**59.6** Members asked for an update on the 'light touch' schemes that had been introduced. The Head of Network Management explained that they had been introduced to prevent commuter parking but it was found that it led to greater vehicle displacement. In addition, the parking conditions had a negative impact on local businesses who relied on customers being able to park.

Rather than continue with light touch schemes, Environment Committee decided to no longer offer "light" touch and instead to proceed with full controlled parking zone conditions. This includes pay and display bays in areas and means that vehicles are more likely to move on a frequent basis but also that visitors to the area have options for parking.

**59.7** Members asked about the introduction of cycle bays in controlled parking zones. They heard that bicycle bays had been trialled in Bedford Place and Tichbourne St, and that they had been very successful in moving bicycles from railings and lamp-posts. . Future schemes

will have cycle bays included in the detailed design consultation, in areas where they are felt to be needed.

**59.8** In response to a query about how road width affected the introduction of parking schemes, members heard that this was a factor that had to be taken into account. There were minimum road widths that had to be considered, and this had been an issue; some schemes had remedied this by having a single side of the road allowed for parking.

Pavement parking was not endorsed even where the pavements were wide enough. This was because of access problems for pedestrians, particularly those with disabilities, as well as the wear and tear on the pavement; pavements were not constructed for cars to park on, and they would deteriorate more quickly. It was also the case that many areas in the city had basements and cellars underneath the pavement and it could cause problems to endorse parking over these.

**59.9** In relation to the draft policy, a member asked for the guidance with regard to blue badge holders (at point 12) to be reworded as it was slightly unclear; this was agreed.

**59.10** The Chairman thanked the Head of Network Management for her time and her presentation.

**59.11 RESOLVED** – (1) that the report be noted and (2) that the guidance with regard to blue badge holders be reworded for clarity.

## **60. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2009 - 2010**

**60.1** The Head of Environmental Health and Licensing introduced the report and addressed members' queries and comments.

**60.2** The Chairman commented that he felt that it was a very important report, particularly given the nature of our local service economy; confidence in food safety standards was paramount.

**60.3** A member asked about the regulations that covered food production. The Head of Environmental Health and Licensing explained that these were generally covered by a number of other inspectorates; however, Brighton and Hove City Council proactively worked with and advised local partnerships including the Local Food Partnership.

**60.4** Members complimented the team on their 92% rating in businesses that were broadly compliant with food hygiene standards, and asked about the 8% of food businesses that were not complying with the food hygiene standards. The Head of Environmental Health and Licensing explained that there had been a significant increase in food hygiene standards since the introduction of the Scores on the Doors scheme, and the department would focus its efforts on non-compliant businesses, carrying out spot checks, unannounced visits etc. Some of the businesses would close themselves, others might be closed, whilst others might be prosecuted.

**60.5 RESOLVED** – that the Committee commend and support the Scores on the Doors work, and that resources should continue to be provided to support the service and the materials that it produces.

**61. HEALTH AND SAFETY ANNUAL SERVICE PLAN 2009 - 2010**

**61.1** The Head of Environmental Health and Licensing introduced the report and addressed members' queries and comments on the report.

**61.2** Members asked for clarification of who dealt with the health and safety for manufacturing; they heard that this tended to be dealt with by the Health and Safety Executive, although the demarcation was blurred.

**61.3** Members heard about an innovative piece of joint work that was taking place between the local authority, neighbouring authorities and the Health and Safety Executive, taking part in cross-enforcement work.

**61.4** Members asked for clarification about which industries were considered 'high risk' locally. They heard that these included catering, with a high proportion of trips and slips; financial industries, with high incidents of work related stress; and workers in the night-time economy, who experienced a greater fear of violence.

**61.5** The Chairman commended the report and thanked the Head of Environmental Health and Licensing for his presentations.

**61.6 RESOLVED** – that the recommendations be agreed.

**62. SHOREHAM HARBOUR JOINT AREA ACTION PLAN**

**62.1** The report was introduced by the Strategic Planning and Monitoring Manager, the Head of Strategic Projects and the Planning Director for the Shoreham Harbour Joint Area Action Plan (JAAP).

**62.2** The Planning Director for the Shoreham Harbour JAAP explained that it was a complex project, focussing on regeneration and planning. The scheme was funded by the South East England Development Agency, but the Planning Director was answerable to the three local authorities that were involved, Brighton & Hove City Council (BHCC), West Sussex County Council (WSCC) and Adur District Council (ADC).

The JAAP was scheduled to be adopted in December 2011 and is one of the Local Development documents for BHCC and ADC Core strategies. BHCC, WSCC and ADC are simultaneously scrutinising the process; members heard that the other two scrutiny committees were broadly supportive of the JAAP. Both other two local authorities had raised their concerns about transport and infrastructure.

**62.3** The Head of Strategic Projects explained that there was a significant emphasis on tackling deprivation and helping provide jobs for the local economy; it was intended to be a regeneration scheme, with potentially a 30 year development site for the region.

**62.4** Members asked whether all three local authorities were committed to the regeneration scheme. They heard that they had all supported the 'Growth Point ' submission, which was a central Government scheme to provide funding for areas to support large scale sustainable growth, including new housing and that all three local authorities supported the regeneration of Shoreham Harbour.

**62.5** Members queried whether there would be 8000 new jobs provided; they were told that this was the ultimate long term aim and that the area that would be affected was the greater Shoreham Harbour area, stretching up to North Portslade.

In response to queries about the effect on existing businesses, members were told that some users would be relocated to release land but that the employment would be retained to secure the port's future. It was intended that there would be a new road bridge across the harbour so that port traffic could have access to the existing road network.

There was a query about whether the development would include retail outlet; some members were not keen on a significant retail sector as the existing Marina shopping village seemed to be having problems filling its units. The committee heard that regeneration was key, but there was likely to be an element of retail to help the people living in the Harbour, and there may be some visitor retail.

**62.6** In response to concerns about traffic and whether a new link road would be provided, members heard that at present, this seemed unlikely. Transport consultants were developing a transport strategy, which needed to be both radical and realistic. The team were considering a variety of economic factors, to establish whether they would generate more traffic in the long term. There was an opportunity for funding to be provided to address some of the transport issues; central Government had already provided approximately £3 million from the Growth Points budget, with a further £5 million since being provided for transport infrastructure.

Members asked whether it was the case that Adur would benefit from the redevelopment and Brighton & Hove would suffer from the traffic overflow. The Planning Director for the JAAP took a different view; the scheme would be of significant benefit both to the wider Brighton & Hove area and for the communities of South Portslade.

Members discussed the viability of using trains to travel around the Shoreham Harbour area; they were told that this would be an important strand of the integrated transport strategy as there were four train stations along the length of the project.

**62.7** Members asked whether all members could be added to the monthly emailed update list; the Head of Strategic Projects apologised that this had not happened and confirmed that this would be rectified from now on.

**62.8** Members queried the inclusion of the Tall Buildings study in the report and whether this was appropriate; it was felt that this would be an issue that could be discussed in the proposed special scrutiny workshop on the JAAP.

**62.9 RESOLVED** – to arrange an additional meeting of ECSOSC to consider the JAAP; suggested dates would be circulated by the Overview and Scrutiny Support Officer.

### **63. ALLOTMENTS**

**63.1** The Projects Officer from City Services introduced the report and responded to members' questions. The Project Officer explained that work had been carried out in conjunction with the Brighton & Hove Allotment Federation. Tribute was also paid to the work of Councillor David Smart, who had been heavily involved in the allotment work.

The Project Officer said that some allotment waiting lists had recently been opened after an extended period when they were all closed, and work had been carried out to significantly reduce waiting lists. There was an intention to increase allotment provision in the city, but at present, details of potential sites had to be kept as confidential information.

**63.2** Members asked for clarification of the sanctions that could be used against allotment holders who were not using allotments appropriately. They heard that there had previously been inconsistencies in how cultivation notices and notices to quit had been served; that this was now being addressed. If there were concerns that an allotment holder was not using an allotment appropriately, it was possible to offer a half size plot if this would be more manageable.

**63.3** There was a discussion about the length of some of the waiting lists for allotments. At present, applicants had to apply to a particular allotment, and their name would be added to the waiting list, although there may be others in the area with shorter waiting lists.

Members heard that City Services were intending to group allotment sites into geographical areas so that an applicant could be considered for all allotments in that area. City Services were in the process of contacting all applicants to ask if they would like to be added to the group waiting lists. This would not affect an applicant's waiting time.

**63.4 RESOLVED** – that the members commend the report and the work of the Project Officer, other officers and the members who have worked on the project.

### **64. ESCOSC AND SCRUTINY SEMINAR**

**64.1** The Chairman suggested that the ECSOSC attend a workshop on Shoreham Harbour and that the proposed transport seminar be put on hold due to other work commitments. After discussion, it was agreed that transport would be the next workshop to be held after the Shoreham Harbour workshop.

**64.2 RESOLVED** – that there be a scrutiny workshop on Shoreham Harbour and that, following this, the next workshop/ seminar to be held on transport in the city.

### **65. ECSOSC WORK PLAN**

**65.1** The Committee considered the draft work plan and the suggested additional item from Councillor Paul Steedman (see agenda Item 56).

**65.2 RESOLVED** – that the draft work plan be agreed, and that Councillor Paul Steedman’s request be included.

**66. ITEMS TO TAKE FORWARD TO CMM, CABINET OR COUNCIL**

**66.1** There were none.

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of





## **Don't lets bash nature conservation in Brighton**

### **Briefing notes on the cessation of conservation mowing grass collection on City wildlife sites**

Brighton and Hove Wildlife Groups Forum Spring 2009

**The decision to end the grass collection service on mown conservation grasslands is a big blow to nature conservation in Brighton.**

Maureen Connolly , of the Friends of the Green Ridge, describes it as “un-doing all the good work we have done over the past ten years”.

Many open spaces and wildlife sites have benefitted tremendously from the improvements in management over the past decade and more, which have seen the introduction of grass collection with the ‘Downland cut’. Sites like Bexhill Road Woodingdean, Ladies Mile, and parts of Whitehawk Hill have seen a greater flourishing of wild flowers and butterflies than ever before.

This service has brought two different kinds of benefit.

**Firstly**, amenity lawns previously managed merely by regular mowing and devoid of most wildlife interest have seen a great flourishing of their wildlife, to obvious public enjoyment. (We think of sites like The Green Ridge, parts of Sheepcote Valley, and Bexhill Road).

**Secondly**, previously under-managed sites have seen hope of a revival of their core wildlife assemblages. (We think of the crown of Race Hill, where the old chalk grassland interest was only recently widely recognised, and which has the best City site for rare ‘old meadow fungi’).

### **The facts...as far as we have been told them**

Grass collection was stopped last year on these wildlife sites because it had become more expensive and because of the problems of disposal of the cut product.

Thus, the budget for conservation mowing last year (2008) was £15,000, whereas Council officers estimated a cost increase to between £28,000 and £48,000 (depending on the weather) “due to increased fuel and composting costs”.

The Environment Agency have vetoed the Council’s past messy practice of dumping the baled grass at Stanmer, because the cut material rots and the leachate soaks into the chalk aquifer.

This means that the Council must compost the baled material or expensively dispose of it to land fill.

The council is currently seeking a composter, and is looking at 2 businesses: KPS (at Scaynes Hill and two other sites) and one other near Littlehampton.

Additionally, the Council rejected out of hand an application to compost the material from Brighton Community Compost Centre (BCCC), at Upper Lodges, Stanmer Park, who have done some of the Council's composting till recently.

Rodaways of Chailey, the past contractor, gave up last year for personal and business reasons. The Council bought a mower of their own and mowed very late last year 'in house', without collecting.

The cut grass is not readily marketable because it is low in nutritional value due to its mostly late summer harvesting (known in council practice as a 'Downland cut'). It could be cut at hay time (May/June) and perhaps have more saleability, but such a date would affect the flowering and seed setting of the grass and herbs, and their invertebrate assemblages.

### **The Council's argument**

The council argues that the conservation grass collection service will be adequately replaced by the new, extended, Grazing Project.

This Project will work at a much wider, agricultural scale of grazing. At present grazing has been experimental only, covering sites of not more than a few acres for very limited periods of time.

The Council is applying for Higher Level Stewardship funding, which is a new government agro-environmental support scheme. Local councils can now apply for this funding on land they manage, which they have not been able to do before.

The Council argue that the cessation of this service "is not a cut", because the expenditure overall is rising.

### **A win-win solution to a very solvable problem**

#### **1. "Horses for courses": re-jigging existing budgets to maximize benefits**

At the same time as this service cut has taken place the Council has voted a very welcome £100,000 increase in the budget for mowing of the City's amenity grasslands – verges, parks, greens and so on - which will be mown to a new regime, as required to keep them 'in good order', rather than on a three weekly cut, as has been the case heretofor.

Yet on some sites user groups have been arguing for years for a **less** intense mowing regime to increase wildlife interest. There will be many urban parks and green spaces that do not need **comprehensive** additional mowing and some will need **less** mowing in parts.

There is lots of room here for the careful working out of the new mowing regime, so that **both** the concerns of neatness and good order and the concerns for biodiversity and traditional Downland sites are addressed.

Thus, the Friends of Withdean Park have been arguing for years for **less** mowing of part of the Park. The Brighton Urban Wildlife Group, has, too, over decades, been arguing for a more flexible approach to Park and amenity mowing to increase the wildlife interest and visual variety of our grassed areas.

## **2. Saving money: composting**

The cost of grass collection and composting does not have to rise as has been predicted. Brighton Community Compost Centre (BCCC) could undertake the composting service much cheaper than a distance composter can do. They are a not-for-profit business with an existing track record of working for the Council and have the skills, experience and willingness to undertake the work.

The Council's rejection of them was contrary to government guidelines encouraging the use of social enterprises. It showed an over-caution which is likely to cost the Council dearly in service delivery or in cash.

If the Council rejects the use of this on-hand local solution they can still undertake the composting in-house. They have the land and they can easily commission the expertise if they feel they do not have it already.

## **3. Saving money: mowing and collecting**

Other local contractors are available to tender for the conservation mowing and collecting service at economic rates. One local farmer described the argument that local farmer-contractors were not interested as "nonsense" and expressed his own eagerness to tender.

The argument that farmers' use of cheap red farm diesel was no longer possible is also not correct. There is no reason why contractors cannot use red farm diesel for this service.

It may be possible, in any case, to use the collected cuttings as an agricultural field dressing.

## **Myths**

The Council has argued that the **proposed Grazing Project** will replace grass mowing and collection. However, the Grazing Project - to make any sense - will have to concentrate on those old Down pasture sites that are too steep to mow (such as Whitehawk Hill slope and Moulsecomb Wild Park slopes). It would make no sense to focus on flat, tractor-accessible areas which can – in the immediate term – be mown, when these steeper areas have been without conservation management sometimes for 80 years and more !

**The two management tools complement each other. They do not duplicate each other.**

Furthermore, the Grazing Project will have to be introduced very carefully, on a site by site basis, as a result of consultation and negotiation with local communities, and with the mobilization and training of whole tranches of new volunteers. There will also be infrastructure to construct – new fencing, water supplies, and so on, and new scrub control to complete (so as to reduce risk of sheep entanglement and enable easy shepherding of the flock). The Grazing Project will also take time to gather a new flock(s) and to expand from its current very tentative and small scale experiments.

Conservation grazing is not profitable, overall, despite producing valuable premium meat products. If the council put resources into grazing the nutritionally better, more commercially viable grasslands (such as 39 Acres) they will detract from the task of grazing long-neglected high biodiversity sites. (This is exactly what happens on many private farms under the recent ESA and Countryside Stewardship agro-environmental schemes).

The council has set aside **no** budget of its own for the Grazing Project. It is entirely reliant on the success of its forthcoming bid for Higher Level Stewardship funding. There is no guarantee that this bid will succeed.

The Council has thus cut one service without any guarantee that any part of it can be replaced by any new source of funds. Yet this has not prevented them from arguing that the new Grazing Project will do just that.

**There is absolutely no way that the Grazing Project can fully substitute for the mowing service on urban and urban fringe Downland. This is a complete smokescreen.**

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### **The management of chalk grassland valued for wildlife**

**Conservation grass mowing and collecting of the cut material** is one of the core management techniques for maintaining and enhancing the biodiversity of chalk grassland, which is the City's primary wildlife resource and the one for which they have the clearest international responsibility (for it is both globally a very rare ecosystem, and a very threatened one).

Grazing and scrub control are the other main techniques.

Without the use of all these techniques the more delicate herbs and grasses are out-competed by the more vigorous species, and diversity steeply declines. Swards in which 30-50 herbaceous species and many more lower plants and old meadow fungi grow are replaced by one or two tall grasses, at the base of which a nutrient-rich 'thatch' of dead material accumulates.

Grazing is by far the best technique in most cases. Sheep grazing has been the traditional management of most species-rich chalk grassland from medieval times onwards, with cattle grazing on a small fraction of the Down pastures.

**Mowing-and-collecting will always be an essential tool on many urban and urban fringe sites, on very fragmented and small sites, and on parts of other sites subject to heavy public usage. It does not require fencing or water supply, is less labour-intensive, and does not raise animal welfare issues or conflict with user groups.**

**Each kind of grazing, together with mowing, encourages a different sward type.** Thus, sheep grazing encourages a closed, flower-rich sward, which is also good for many emblematic old Down pasture butterflies, like the Blues. It is also good for most lower plants, like mosses, and lichen. More intensive grazing is essential for many species that depend on an open sward with some bare ground, like some rare moths. Cattle grazing is best for some threatened molluscs, like Heath Snail and Carthusian Snail. **Mowing creates a range of different micro-habitats (because it passes an even cut over uneven ground) which can be good for some invertebrates. It can also be modulated more readily (for instance, by close-mowing walkways and leaving adjacent areas for an annual or twice-annual cut).**

Grassland which is cut and the cuttings **NOT** collected loses its biodiversity value over time (as on the Benfield Hill LNR west slope when it was managed in the past by the West Hove Golf Club).

Grassland which is **NEITHER** cut **OR** collected loses value much quicker (as on the Woodvale 'meadow' site).

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## LIST OF AFFECTED SITES

### 1. Waterhall 19 Acres (south valley, south side plateau grassland, alongside Devil's Dyke Road)

Urban fringe. Heavy public usage. Part of the 2 mile long walking route to the Devil's Dyke. (See 2 below). Fully accessible because on level ground. Dramatic viewpoint. Part of a very important wildlife site: - the Waterhall complex of old Down pasture, re-established chalk grassland, and old and new scrub thickets. Part of a deeply neglected area that has a 70 year deficit of conservation management.

### 2. Devil's Dyke Road roadside strip (between Saddlescombe Road turnoff and Devil's Dyke Farm)

Part of the 2 mile long walking route to the Devil's Dyke. (See 1 above). Heavy public usage. Important introductory site for many walkers to Downland wildlife. Fully accessible because on level ground. Dramatic viewpoints. Part of two very important wildlife sites with mixed grassland, bare ground and scrub (Waterhall and the Dyke Golf Course). Has some Waxcap old meadow fungi species.

### 3. Waterhall north valley (north of Golf Clubhouse)

Urban fringe. Heavy public usage. Fully accessible because on level ground. Moderate views. Important piece of chalk grassland restoration in a very neglected complex which has been deteriorating for 70 years.

### 4. Beacon Hill LNR, Rottingdean.

They make their own arrangements because they have generated their own funds.

### 5. Bevendean Down LNR

Urban fringe. Heavy public usage. Relatively accessible, though a minority of the mown ground is on steeper contours. On high ground with good views of Bevendean Valleysides. Part of a very important Local Nature Reserve complex of old Down pasture, re-established chalk grassland, old and new scrub thickets. Part of an area that has a 30 year deficit of conservation management.

### 6. Bexhill Road Open Space, Woodingdean

Urban fringe. Heavy public usage. Fully accessible because on level ground. Dramatic viewpoint. Very exciting site with steep increase in attractive butterflies and grasshoppers and Downland herbs, since the excellent new wildlife-friendly management came in.

### 7. Braeside Avenue Open Space (alongside the A27 Bypass, and adjacent to Ladies Mile Open Space, Patcham).

Urban fringe. Heavy public usage. Relatively accessible, though the mown ground is on a slope. A greatly welcome extension of the chalk grassland fragments islanded at Ladies Mile Open Space.

### 8. The Chattri

Heavy public usage. Very important cultural monument. Relatively accessible because on level ground. Dramatic viewpoint. It's grounds should be tended with the same reverence as the Pavilion's grounds. Its excellent plantings have been of heathy plants which reflect the site's past history as 'chalk heath'. Such plants, of course, are intolerant of nutrient enrichment, which uncollected cuttings cause.

**9. Cliff edge grasslands: western clifftop and eastern clifftop (from Ovingdean to East Saltdean), Marine Drive orchid site, and Roedean carpark.**

Over 3 miles of nationally important cliff edge, plus a major wild orchid site (with Autumn Ladies Tresses). SSSI and adjacent to SSSI. (These are nationally important statutorily protected sites). Urban & urban fringe. Heavy public usage. Fully accessible and often on level ground. One of the best and most iconic Brighton sites. A mixture of relict maritime grassland, old chalk grassland and restored chalk grassland.

**10. Foredown allotments, Portslade.**

Urban fringe. A flagship accessible allotment site for the disabled (who are so often excluded from wildlife sites by access problems).

**11. The Green Ridge, Patcham**

Urban fringe. Heavy public usage. Fully accessible because on level ground. Dramatic viewpoint. Gateway site to the open Downs. Lovingly tended by one of the oldest community 'Friends' groups. Has been consistently managed to a high standard for many years - and seen a major rise in its biodiversity.

**12. Happy Valley, Woodingdean**

Urban fringe. Heavy public usage. Fully accessible because on level ground. Adjacent to an old, farm-grazed chalk grassland site to which its present wildlife conservation management is re-connecting it.

**13. Moulsecoomb Wild Park**

Urban fringe. Very heavy public usage. Heavily compromised as a site for children's free play by the extensive scrub cover and the busy A270, which both create child safety problems. A nationally famous lepidopterists (moths and butterflies) site a century ago, now reduced to the edge of extinction, but remarkably clinging on to its core old Down pasture interest against all the odds. Been neglected by the Council for the whole 80 years of its existence. Needs an expansion of BOTH mowing and grazing management, not a contraction.

**14. Hollingbury Hillfort**

Urban fringe. Heavy public usage. Fully accessible because on level ground. Highly dramatic viewpoint. A first class wildlife site, continuous with the Wild Park old Down pastures. Very important acid grassland habitat with an excellent old meadow fungi (Waxcap) assemblage, with species more typical of the Wealden heaths. Wonderful spring orchid display (Early Purple Orchids). Important Gorse thickets. Old and very under-managed chalk grassland on the earthworks.

**15. Hollingbury LNR - 39 Acres.**

Urban fringe. Heavy public usage. Fully accessible because on level ground. Dramatic viewpoint. Part of a very important wildlife site: - the Hollingbury Castle-Moulsecoomb Wild Park complex of old Down

pasture, re-established chalk grassland, and old and new scrub thickets. Part of a deeply neglected area that has an 80 year deficit of conservation management.

#### **16. Hollingbury Park, Ditchling Road.**

Urban fringe. Heavy public usage. Fully accessible because on level ground. Dramatic viewpoint. Adjacent to a major orchid site (Early Spider Orchids) to which the present Downland management will - in time - reconnect it. This is a model initiative to render an important and very rare Downland Orchid population more sustainable.

#### **17. Chelwood Flats Open Space, (north of Stanmer Heights Estate, Hollingbury)**

Urban fringe. Heavy public usage. Relatively accessible, because on gently sloping ground. Fine long views. An area that has been increasing in wildlife importance, with good displays of orchids.

#### **18. Ladies Mile Open Space, Patcham**

Urban fringe. Heavy public usage. Almost all fully accessible, because on level ground. Fine viewpoint. This is one of the top old Down pasture sites on the urban fringe: - remarkable for preserving a large extent of intact *plateau* chalk grassland. (Plateau chalk grassland is nearing extinction through loss to ploughing and chemical sprays). Large swarms of Yellow Rattle, Dropwort, and Harebell. These species are particularly vulnerable to loss from mulching by grass cuttings. Good archaeology (Iron Age field lynchets and Bronze Age burial mound).

#### **19. Varncombe Barn Model Aircraft Site, Saddlescombe Road.**

Regular public usage. Fully accessible because on level ground. A small site near to other relict old Down pasture sites, which its current wildlife-friendly management helps to move towards sustainability.

#### **20. Shepcote Valley**

A very major chalk grassland restoration site which is increasingly at risk even with current levels of management. Urban fringe. Heavy public usage. Fully accessible because on level ground. Dramatic viewpoint. Its interest almost entirely lies in its *early successional stage* wildlife – ‘arable weeds,’ which need disturbed ground (like Venus’s Looking Glass), open chalk grassland (which the Bee Orchids and the famous swarms of Creeping Bellflower need), and ground nesting birds (Skylarks and Meadow Pipits).

#### **21. Stammer Park LNR - Great Wood archaeological sites.**

Important woodland glades, which are already greatly more attractive with their better Downland management. Urban fringe. Heavy public usage. Fully accessible because on level ground. Provide important variation in relatively structurally similar woodland.

#### **22. Stanmer Park LNR - Great Wood and Marquee Brow.**

Urban fringe. Heavy public usage. Fully accessible because mostly on a gentle slope. An important area of chalk grassland restoration. Important, too, for providing structural variation to the Great Wood vegetation, and important nectar sources. Has many important species on site and close by, such as Adder’s Tongue Fern and Orchids.

**23. Whitehawk Hill LNR – Wilson Avenue old allotments: Compartment 3 of the Local Nature Reserve Management Plan.**

Urban fringe. Heavy public usage, particularly by children. Would be fully accessible if present management improved because on level ground. Good viewpoint. Very under-managed even with present arrangements. Only British site for the Whitehawk Soldier Beetle. Needs *more*, not less management.

**24. Whitehawk Hill LNR - Tenantry Down: Compartment 2 of the Local Nature Reserve Management Plan.**

Urban fringe. Heavy public usage. Fully accessible because mostly on level ground or gentle contours. Arguably the best and most dramatic viewpoint on the entire urban fringe. At least 10 prehistoric camps visible from it. The best old meadow Waxcap fungi site on the urban fringe, with at 14 species recorded, including Pink Gills and Fairy Clubs. A rare piece of (almost extinct) plateau Down pasture. Present management is inadequate. Need increasing to at least two cuts and collection annually.

**25. Whitehawk Hill LNR – Neolithic causewayed camp: Compartment 7 of the Local Nature Reserve Management Plan.**

Urban fringe. Heavy public usage. Important view both for amenity and archaeological landscape interpretation. Fully accessible, because mostly on level ground or gentle contours. Definitely the most important archaeological monument Brighton has. One of the ten best preserved causewayed camps in Britain. Camp ramparts have a good old down pasture flora, and enclosure area is greatly improving with current cut-and-collect regime. The area south of Manor Hill has good open and semi-open ground with good displays of characteristic short-lived herbs.

**26. Whitehawk Hill LNR - Hilltop overlooking Craven Vale: Compartment 9 of the Local Nature Reserve Management Plan.**

Urban fringe. Heavy public usage. Important view both for amenity and archaeological landscape interpretation. Fully accessible because mostly on level ground or gentle contours. Important mixed areas of grassland and scrub with good invertebrates and colourful wild flowers. Under-managed at present. This currently makes it at risk of occupation by homesteaders.

**27. Withdean Woods**

A small area which provides important structural variation in this largely woodland site.



## **Agenda Item 4**

### **Downland Mowing; Information from the Countryside Manager**

*11 June 2009*

#### **1. Summary**

1.1 The change from mowing to conservation grazing the council downland sites has been underway for some time, but has been hastened by a substantial increase in the cost of cutting, baling and composting since 2007. If the council continued cutting, baling and composting there would have to be a substantial reduction in the area of downland managed to stay within the same budget. Grazing results in an improvement to the quality of chalk grassland management and will also cover a considerably greater area than could ever be achieved by mowing. A Grazing Plan to will go before Environment CMM in due course.

#### **2. Background**

2.1 The Downs around Brighton and Hove were grazed by sheep for many hundreds, probably thousands of years. This traditional management technique was instrumental in creating and maintaining the species-rich turf. Chalk grassland supports up to forty different species of plant in one square meter and many of these are chalk specialists, which require a 'high stress' environment (very low soil fertility and regular browsing) to survive.

2.2 Sheep grazing began to decline towards the end of the 19<sup>th</sup> Century and this decline accelerated from the Second World War. As grazing reduced, sward height and soil fertility on many sites increased, which favoured an 'invasion' by scrub and coarse grasses at the expense of the classic downland species. During the 1950s, the decline was accelerated by a reduction in rabbit grazing (due to myxomatosis) and by artificially fertilising many of the old pastures to increase their yield. Many of the old downland pastures were also destroyed by ploughing.

2.3 Today chalk grassland is internationally rare. It is recognised in the EC Habitats Directive as a habitat of 'Community Interest' and is included in the UK List of Habitats that are of principal importance for the purpose of conserving English biodiversity. These are the habitats local authorities are expected to prioritise as part of their duty to further biodiversity, set out in Section 40 of the Natural Environment and and Rural Communities Act 2006.

#### **3. Chalk grassland management in Brighton & Hove**

3.1 About twenty years ago, Brighton Borough Council introduced grass cutting and baling on some chalk grassland sites under its control. This 'emergency management' was a reaction to the serious decline in the quality of the remaining chalk grassland, most of which had received little or no grazing for many years. However cutting is an inferior management technique to grazing for a number of reasons, including:

- It is catastrophic method which can cause severe disruption to grassland invertebrates and ground nesting birds;
- It cannot be used on the steeper slopes (where much of the remaining chalk grassland is found);
- It is uniform in its application and therefore prevents the establishment of swards of varying height, which are favoured by some chalk grassland species and
- It damages chalk grassland features such as ant hills and some archaeology.

3.2 Reintroducing sheep grazing on the council's chalk grassland sites was therefore always desirable and ten years ago, Brighton & Hove Council reintroduced sheep to a few key sites, working with a local grazier and in close liaison with the local community.

3.3 Further incentives have developed for accelerating the move towards sheep grazing. It is now possible (under the DEFRA Stewardship Scheme) to attract external funding for the reintroduction of grazing but this is not available for cutting and baling. The council has also successfully established a grazing partnership with the Sussex Wildlife Trust and the South Downs Joint Committee (which both fully support the grazing option). Extensive pre-publicity is needed to ensure that people understand the reasons for the reintroduction, which takes time.

3.4 No problems have been encountered with the reintroduction of grazing to date and the educational and community benefits of reintroducing grazing on the urban fringe are just beginning to be recognised. The Ranger service has so far trained over 50 volunteer 'lookers' (to help check on the sheep) and has a further 38 people on a waiting list for the next training course. The city's grazing project has also received national and international press coverage and it clear we are amongst the lead local authorities in this important area of work.

3.5 From last year the costs of cutting and baling have multiplied. The main reason for the increase is that grass bales are now defined by the Environment Agency as 'waste' and therefore the council has to pay to have them removed. There has also been an increase in fuel costs because DEFRA has decided that moving bales is not an agricultural operation and therefore ordinary diesel has to be used rather than the cheaper, red (agricultural) diesel.

# **ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE**

## **Agenda Item 5**

Brighton & Hove City Council

<b>Subject:</b>	<b>Night time economy</b>		
<b>Date of Meeting:</b>	<b>22 June 2009</b>		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Tim Nichols</b>	<b>Tel:</b> <b>292163</b>
	<b>E-mail:</b>	<b>tim.nichols@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

### **FOR GENERAL RELEASE.**

#### **1. SUMMARY AND POLICY CONTEXT:**

1.1 Council's corporate priorities include fair enforcement of the law and protecting the environment while growing the economy. Environment's directorate objectives include protecting and improving public health and community safety services and environmental health and licensing's service plan aims to deliver an effective and efficient licensing service applying its statement of licensing policy and other licensing policies.

#### **2. RECOMMENDATIONS:**

2.1 That this report is noted.

#### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

##### **3.1 Beacon Status**

Attached at appendix A (Members' room) is the final bid the council made successfully for Beacon Status for managing the Night time economy. The bid includes examples of the city's leadership and strategy and details of partnership work including community safety strategy, licensing policy, and tourism strategy. There are also examples of operational work around sharing intelligence, developing policy, applying licensing law to reduce crime and disorder and public nuisance, the management of large and small events and transport measures. Specific examples of successful projects include night-safe which is the radio network operated by the Business Crime Reduction Partnership, Safe Space providing a safe refuge for young people at night and test purchase operations.

3.2 Sussex Police Operation Marble clamped down on public place violent crime by police deployment in city centre hot spots at week ends. Nightsafe barred customers causing problems from participating venues. Soft measures like White

Night allowed residents and visitors to experience museums, art galleries, theatres, cabaret, restaurants and library services throughout the night. This had been enabled using interreg funding with Amiens.

### **3.3 Statement of Licensing Policy**

Attached at appendix B (attached to this report) are a minute from licensing committee on 24<sup>th</sup> April 2009. This was the committee that reviewed the cumulative impact special policy one year after its inception. It relied on reports from Environmental Health & Sussex Police which are included within the appendix. Licensing committee resolved to maintain the existing cumulative impact policy and keep it under review. The current statement of licensing policy is available in hard copy and on the council's website.

3.4 Although noise complaints throughout the city rose by 3.4% in 2008/9 to 3,396 from the previous year, noise from licensed premises declined by 35% to 309. Over 50% of public place violent crime occurs in the special policy area for cumulative impact and Sussex Police considered the policy and area should remain in place.

### **3.5 Health Impact Assessment**

The Annual Report of the Director of Public Health 2007 was concerned with alcohol misuse. Alcohol related harm indicators such as alcohol related months of life lost, alcohol specific hospital admissions, alcohol related recorded crimes, alcohol related violent offences, alcohol related sexual offences and estimate of binge-drinking put the city in the worst quintile nationally. As part of Choosing Health funds, the Primary Care Trust funded a health impact assessment on flexible licensing hours locally and the initial report is appended (C Members room). The final report is expected to be reported to licensing committee on 26<sup>th</sup> November 2009.

3.6 The study may be used to inform corporate strategies and policies.

### **3.7 Licensing Enforcement Policy**

Licensing committee have endorsed DCMS and Home Office guidance on dealing with problem premises and approved a licensing enforcement policy for consultation process. A copy of the draft policy is appended (D Members room). Officers intend reporting a recommended final policy to licensing committee on 25<sup>th</sup> June 2009.

3.8 Government guidance supports enforcement agencies using a first and second intervention approach and possible tough conditions that can be assembled in packages to ensure greater control on alcohol sale, training, alcohol sale banned at certain hours, alcohol displays, reducing shop lifting and other matters like sale to children.

### **3.9 Reviews**

The Department of Culture, Media and Sport consider that the review process represents a key protection for the local community where problems associated with licensing objectives are occurring after a licence has been granted or varied. A summary of the reviews are listed in appendix E Members room. The review process has been used extensively. Licences have been revoked following

disorder or repeated under-age sales. Conditions have been modified or licences restricted where there has been disorder or public nuisance caused by licensed premises and suspensions have been invoked to address repeated underage sales. Various responsible authorities such as Sussex Police and council's Trading Standards and Environmental Health officers have applied for reviews as have residents as interested parties.

3.10 Thirty two reviews have been carried out. Trading standards and Sussex Police have applied to have six store licences reviewed for underage sales resulting in one revocation and three licence suspensions, and two on-licensed premises resulting in licence suspension. Sussex Police used closure powers for disorder on eight occasions, and in one case a public house licence was revoked permanently. Ten reviews requested by environmental health and residents usually resulted in modified conditions and restricted licences.

### **3.11 Appeals**

Appendix G in Members room shows the last statistical return to DCMS. This gives an idea of the size of the licensed trade in Brighton and Hove. Appendix F Members room lists all appeals. This gives some context to how many of the licensing panel's decisions were challenged.

3.12 There are over 1,200 licensed premises. In 2008, 84 applications were made for new licences and 95 for variations. Since November 2005 (transition), 15 appeals have been lodged, three were withdrawn, eight were settled by consent order, four decisions were modified or appeal allowed. No appeal was won.

### **3.13 Licensing Strategy Group**

Licensing Strategy group's constitution is appended (H Members room). It comprises the main responsible authorities, interested parties and stakeholders in licensing. Its primary function is to review and set licensing policy.

3.14 The Licensing strategy group supports licensing objectives, creates partnerships and links with corporate strategies such as tourism, economic development, community safety, local alcohol harm reduction, local development framework, local transport plan and equalities and diversity.

### **3.15 Transport**

Brighton and Hove is the only English city outside London to operate a commercially viable night bus service. In 2004 the first 24 hour service on route N7 was launched late night buses helped to clear crowds from the city centre running every 15 minutes between midnight and 3 a.m. serving both universities and areas in the west of the city. Frequent evening bus service are run for people coming into the city centre, the frequency of the service real time information signs help people feel safer as they have confidence knowing how long their wait is.

3.16 The council as licensing authority has a policy of restricted numbers and managed growth of hackney carriages. An economically attractive tariff runs at night to encourage hackney carriage proprietors to employ their vehicles at night.

## **4. CONSULTATION**

- 4.1 No specific consultation has been carried out to create this report. Work within it such as Beacon Award bid, cumulative impact policy review, the statement of licensing policy, enforcement policy and the working of the licensing strategy group are subject to their own consultations.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 Licence fees are set by the Licensing Act 2003 (Fees) Regulations 2005. The fee levels are set centrally to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime. For the period to May 2010 the Council has been granted a £62,500 Beacon Reward Grant for its work in managing the night time economy.

*Finance Officer Consulted: Karen Brookshaw*

*Date: 07/05/09*

### Legal Implications:

- 5.2 The licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. Section 4 of the 2003 Licensing Act provides that a licensing authority must have regard to Licensing Guidance issued by DCMS. Departure from guidance can give rise to appeal or judicial review and so reasons given for decisions are a key consideration for courts considering the lawfulness and merits of any decisions taken.

*Lawyer Consulted: Rebecca Sidell*

*Date:*

### Equalities Implications:

- 5.3 The Equalities Impact Assessment for the Statement of Licensing Policy is appended (I Members room).

### Sustainability Implications:

- 5.4 Sustainability is not a licensing objective.

### Crime & Disorder Implications:

- 5.5 Crime prevention is one of the four licensing objectives.

### Risk and Opportunity Management Implications:

- 5.6 The Health Impact Assessment currently commissioned is expected to inform corporate strategies including alcohol harm reduction objectives.

### Corporate / Citywide Implications:

- 5.7 The current tourism strategy recognises the importance of the visitor economy. The city's tourism industry must be profitable, be a positive experience for visitors, benefit local people, protect the environment and allow tourism to develop, The current strategy places emphasis on events and attractions and has a close relationship with licensing policy.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

A – I All appendices are available in Members room. Appendix B – Extract from Licensing Committee minutes and report from 24 April 2009 attached.

### **Background Documents**

1. Licensing committee 24<sup>th</sup> April 2009, item 41, Cumulative Impact Assessment.

## APPENDIX B

### Extract from Licensing Committee minutes and report from 24 April 2009

#### 37. CUMULATIVE IMPACT AREA ASSESSMENT

- 41.1 The Committee considered a report of the Assistant Director of Public Safety regarding the Cumulative Impact Area (CIA) Assessment (for a copy see minute book).
- 41.2 The Head of Environmental Health and Licensing summarised the report and stated that the Cumulative Impact policy had been in effect for just over one year and been imposed to help reduce violent crime within the city centre. Both Sussex Police and the Environmental Health and Licensing Team were satisfied that the policy was contributing to the improving picture of violent crime within the city.

It was noted that Residents' Associations living close to the perimeter had requested that the area be extended, but there was currently no evidence to justify this and the Head of Environmental Health and Licensing stated that licensing laws should not be the primary mechanism for controlling crime and disorder. The main purpose of the policy was to allow Members discretion to refuse an application if they felt it was necessary, but it was noted that such policies should not be absolute in their application, and that they should be based on evidence. Due to this, it was required to review the policy regularly and the Head of Environmental Health and Licensing explained that if any part of the policy was to change, a consultation exercise would need to take place on the new proposals. The Head of Environmental Health and Licensing requested that Chief Inspector Mills from Sussex Police be allowed to address the Committee regarding this issue.

- 41.3 Chief Inspector Mills stated that there had been two requests for an extension to the area: in London Road and in the North Laine area. He confirmed that there would need to be an evidential basis for any extensions and they would need to be proportionate, legal and necessary to the area. Chief Inspector Mills stated that Sussex Police were wholeheartedly behind the policy, and felt that the policy had assisted the Police in managing a much safer city.
- 41.4 The Environmental Health Manager, Annie Sparks, stated that the city had seen a 35% drop in noise complaints relating to licensed premises between 2008-09, and felt that the current mechanisms for managing complaints and the option to hold a review hearing were excellent.
- 41.5 Councillor Watkins stated he supported the Cumulative Impact Area, but asked for the boundary of the area to take in the whole of the Brunswick and Adelaide ward, as it currently only covered half of it.



- 41.6 Councillor Simson stated that she would be concerned if the area were pushed out incrementally and asked if there was any evidence to support the extensions. The Head of Environmental Health and Licensing stated that it was natural for residents who lived just outside the boundary to request inclusion in the CIA, but the policy had to be evidence based to be justifiable. He noted that there were other options available for the control of problem premises, including the powers of review, which were open to all communities in the Brighton and Hove area. If the policy was to be changed, or the area moved in any way, it would be subject to a new consultation exercise and the approval of Full Council again.
- 41.6 Councillor Kitcat asked if the CIA applied to off-licensed premises. The Head of Environmental Health and Licensing stated that the policy was based around evidence obtained regarding on-licensed premises, and the government had stated it was not justified to include off-licensed premises in this evidence base. Once initiated, the policy had the affect of including all licensed premises within the area however.
- 41.7 Councillor Janio asked Chief Inspector Mills if Sussex Police would like to see the CIA extended. Chief Inspector Mills stated that the Police were satisfied with the current area, which they felt they had evidence to justify.
- 41.8 Councillor Janio asked if off-licensed premises needed to be included in the policy and the Head of Environmental Health and Licensing replied that the Committee could have taken a different view at the time of approving the policy. Legal challenges to the policy had to be made within the first three months to be valid however.
- 41.9 Councillor Fryer asked what level of incidents would need to occur before Officers considered there was enough evidence to extend the area. The Head of Environmental Health and Licensing stated that there was not a recognised threshold at which an area would automatically be considered for inclusion, but the purpose of the review was to ensure that the policy was adequate, reasonable and justifiable. It was felt that the current policy met these conditions.
- 41.10 Councillor Fryer felt that although there had been a drop overall in noise complaints across the city, there had been a rise in certain areas. She stated that evidence for the CIA could also include noise complaints, and on this basis there were areas that should be included in the policy. The Environmental Health Manager agreed that noise complaints directly relating to licensed premises could be included in the evidential basis for agreeing the area, but general noise in the streets would not qualify for this. She noted that the complaints position would be reviewed regularly.

- 41.11 Councillor West felt that the CIA was a positive development but felt that there was a lack of rigour and detail in the report presented to Committee. He felt that the London Road hotspot differed only slightly in terms of crime rates compared with the CIA, but there were no reasons given as to why this was not being considered for inclusion in the area. He felt that the issue of noise complaints had not been dealt with effectively and no comparative data was offered regarding other CIA policies across the country. He requested that at the next review, a more detailed and comprehensive report be submitted to the Committee and take into consideration areas where the policy might be expanded.
- 41.12 Chief Inspector Mills replied that the statistical volume of premises was not the main driver for including an area in the CIA. The policy was based around the negative impact premises were having in an area, and on the London Road area in particular, the majority of the negative impact was being created by street drinkers who were buying alcohol from various places across the city, and drug dealers. Chief Inspector Mills stated that there were other, more effective ways of dealing with problems such as these, and noted that a survey of residents had been conducted in 2008 regarding licensing issues in the area and only 28 responses had been received. This indicated that there was not a strong feeling among residents that licensed premises were causing a problem in this area.
- 41.13 The Head of Environmental Health and Licensing stated that he had attended recent London Road Local Action Team and Traders Association meetings and felt there was a strong feeling about licensed premises in the area. However, there had been only one new application in this area in the past year, and it was likely that there had in fact been a net reduction in premises, and so it would be difficult to justify a cumulative impact policy for this area. He also noted that licensing policy was not the primary way to deal with crime and disorder in an area. He stated that better geographical information would become available over time to demonstrate trends across the city to help assess the policy, but a way forward for better information sharing and gathering could be to include representatives of Residents' Associations in the Licensing Strategy Group.
- 41.14 Councillor Hyde stated that any expansion to the policy would need to meet robust criteria. She also felt that there was no need to include comparative data in future reports as Brighton & Hove were leading the way in this issue, and it not be relevant to the circumstances.
- 41.15 Councillor Simson proposed an amendment to the recommendation of the report to include the word 'regularly' and this was agreed by Members.

41.16 **RESOLVED** – That the Committee has considered and agrees with the recommendations as follows:

1. To continue to adopt the Cumulative Impact Area (as defined in appendix 1 of the report [for a copy see minute book]) and to continue to adopt the Special Policy (as defined in appendix 2 [for a copy see minute book]) in relation to that Cumulative Impact Area.
2. To review *regularly* the need for a Cumulative Impact Area or Areas and Special Policy within Brighton & Hove.
3. To recommend that the Council continues to include the Special Policy and associated defined Cumulative Impact Area as part of its current Licensing Act 2003: Statement of Licensing Policy.

### **Prevention of Public Nuisance**

The Environmental Protection Team is part of the Environmental Health and Licensing Service and under the provisions of the Licensing Act 2003 is the 'responsible authority' for noise and the prevention of public nuisance. In addition, the Environmental Protection Team has duties under the Environmental Protection Act 1990 to investigate complaints that may be a statutory noise nuisance.

As a 'responsible authority' the Environmental Protection Team inspects all applications for new premises licences and licence variations. Where there are concerns relating to public nuisance a representation is made. Licence reviews have also been requested to prevent public nuisance. Applying licence conditions which mitigate and control noise has been a valuable tool to prevent public nuisance. Table 3 of appendix 6 shows the applications where the Environmental Protection Team requested licence reviews, made representations, and also highlights which ones went to hearing.

Joint Intelligence Meetings are routinely attended by all the Licensing Act 2003 'responsible authorities' and provide a useful forum for exchanging information relating to licensed premises.

The Environmental Protection Team also responds to all domestic and commercial noise complaints in the City. This includes noise from licensed premises. The majority of noise from licensed premises relates to noise from live and amplified music, and noise from people. Noise from people includes noise from people inside the premises, and noise from people using outside areas (inc the Highway adjacent to the premises). The Health Act 2006, and the ban on smoking inside premises, has resulted in more complaints relating to noise from smokers outside.

It has been pleasing to see that from 2007/2008 to 2008/2009 the number of complaints relating to noise from licensed premises across the whole City has dropped from 474 to 309. This shows a 35% reduction. For 2007/2008 33.5% of these complaints were from the cumulative impact area. For 2008/2009 the figure was very similar being 35.2%. The number of noise complaints in the special stress area is again similar for both years. For 2007/2008 13.9% of noise

complaints relating to licensed premises were in the special stress area with 16.8% in 2008/2009.

These figures clearly show that the Cumulative Impact Policy plays a key part preventing public nuisance and I would recommend that it continues as extant policy.

**Annie Sparks,  
Environmental Health Manager, Environmental Protection**



## **APPENDIX 4**

### **Cumulative Impact Review 2009**

#### **Public Place Violent Crime**

The Cumulative Impact Zone (CIZ) was introduced into Brighton and Hove City Council's Statement of Licensing Policy on 13th March 2008 following a vote by the council members of Brighton & Hove City Council. This was as a result of concerns raised by Sussex Police and partners with regards to problems of crime and disorder, alcohol related crime and public nuisance within the city centre. The process for adopting the CIZ was thorough and detailed, with Sussex Police submitting various documents for in depth consultation by all interested parties, including the public and licensing trade.

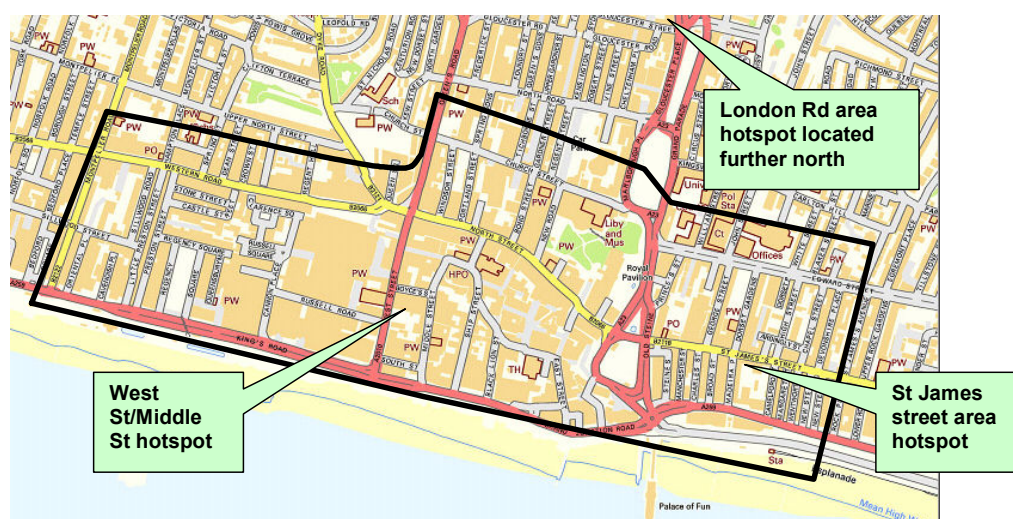
The figures and statistics presented at the time showed that Brighton & Hove suffered from high levels of public place violent crime (PPVC). Also shown was that over half of all PPVC was committed within the city centre area. There was no surprise that this area of the city has a high concentration of licensed premises.

#### **Current hotspot analysis**

The attached map shows the current CIZ area. This area has historically shown the highest levels of PPVC in the city. The CIZ area covers the southern parts of the council wards of Regency (Beat 3), St Peters & North

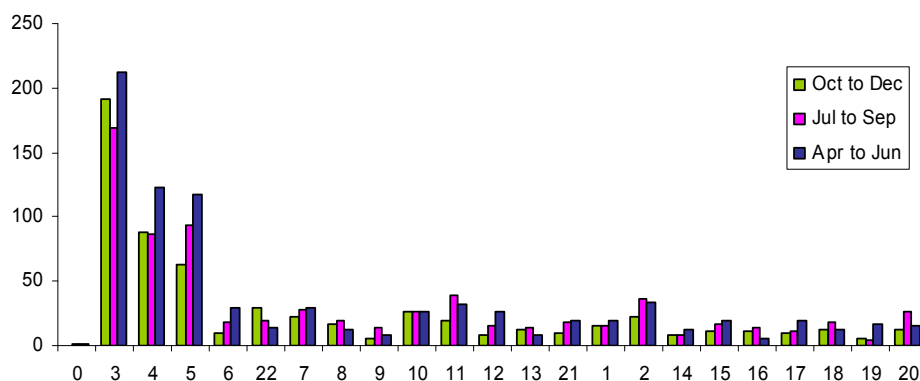
Laine (Beat 4) and Queens Park (Beat 5). The 3 main areas identified are West Street and surround, St James Street and surround and also the southern end of London Road. West Street and St James Street both contain a high concentration of clubs, bars and late night fast food outlets.

The London Road hotspot differs slightly in that this is not such a prime location for licensed premises. Problems here are often related to the night time economy due to the central location and routes home taken by persons attending the city centre. However a large proportion of issues can be attributed to the anti social behaviour of drug users and street drinkers who congregate on the Level and around the York Place area. This area therefore, whilst of concern and worthy of close scrutiny does not at this time merit inclusion in either CIZ or special stress areas.



### Police Performance Year 2008/9

Figures compiled for the police performance year to date across the 3 quarters for which figures are currently available show that CIZ accounts for on average 53.4% of all PPVC in the city of Brighton & Hove, with Beat 3 alone (Regency Ward) accounting for an average of 27% of the PPVC in the city.



Total PPVC across the cumulative impact area has shown a reduction throughout the police performance year 2008/9 which can in part be attributed to CIZ along with the ongoing policing and partnership approach to the night time economy. Importantly analysis shows that the actual number of total offences perceived to have been committed under the influence of alcohol, whilst showing a reduction, has actually risen as a proportion of overall PPVC, in the last quarter accounting for 60.1% of all PPVC.

Robbery offences show that 63% of all robbery offences committed within the CIZ area are perceived to have taken place under the influence of alcohol. This is a statistic worthy of mention as with the present 'credit crunch' there is likely to be an increase in acquisitive crime such as robbery and also theft from licensed premises.

Violent Crime Sub Group	Recorded Levels 01 Apr to 30 Jun 2008	Recorded Levels 01 July to 30 Sept 2008	Change Between Q1 and Q2		Recorded Levels 01 Oct to 31 Dec 2008	Change Between Q2 and Q3	
			Actual	%		Actual	%
PP Violence Against The Person	816	715	-101	-12.4%	612	-103	-14.4%
PP Sexual Offences	36	38	+2	+5.6%	21	-17	-44.7%
PP Robbery	65	88	+23	+35.4%	75	-13	-14.8%
<b>Total PP Violent Crime</b>	<b>917</b>	<b>841</b>	<b>-76</b>	<b>-8.3%</b>	<b>708</b>	<b>-133</b>	<b>-15.8%</b>

Beat	Proportion formed of Division's PP Violence Against The Person Apr to Jun 2008	Proportion formed of Division's PP Violence Against The Person Jul to Sep 2008	Proportion formed of Division's PP Violence Against The Person Oct to Dec 2008
Regency Beat 3	26.0%	23.6%	31.2%
St Peters & North Laine Beat 4	15.1%	12.2%	14.3%
Queens Park Beat 5	14.3%	13.1%	10.3%

### **Cumulative Impact in operation**

CIZ is an important tool to address PPVC and associated criminality, but importantly, cannot be seen as a solution in itself. It is a practical and proportionate approach to assist with addressing the problem and ensuring that all possible avenues are explored. Prior to CIZ being adopted the onus was on statutory agencies to justify why conditions should be placed on a new

premises licence within the Licensing Act 2003 framework. With a cumulative impact policy in place then operators of licensed premises need to show how, if a new licence or variation is granted, there will be no undermining of the four licensing objectives or addition to the cumulative impact, namely that there will not be an increase in crime and disorder in the immediate locality as a result. This clearly does not seek to stifle legitimate business or impose any type of restriction on the number of applications. Rather it ensures that operators of licensed premises properly focus on the four key principles of the Licensing Act 2003.

These four key objectives are:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Brighton & Hove suffers from high levels of PPVC and approximately half of all this criminality takes place within the city centre area. This area has the highest concentration of licensed premises, particularly premises which are high volume vertical drinking establishments. These premises are often open for long periods of time, in some cases all night.

Cumulative impact is seen as a measure which is assisting in reducing PPVC, anti social behaviour, public nuisance and criminal acts fuelled by alcohol.

All applications or variations submitted inside the CIZ are carefully studied. If it is felt that the cumulative impact will be affected then a representation is made. To date several applications have been refused at hearings. A venue refused a licence to sell alcohol is 'Jennifers', an off licence in St James Street with a history of incidents needing police attendance. Not all applications where representations have been made have been refused. 'The Hub', a small bar at the bottom of St James Street was granted an alcohol licence at committee hearing as it was felt that with conditions imposed upon the licence the premises could trade whilst not adding to crime and disorder in the immediate area. Equally some applications have not required a representation to be made at all as on application it is apparent that there will be no addition to the cumulative impact in the area. Each venue is treated on an individual basis and licence conditions for a large bar will probably not be proportionate for a small off licence. Any reasonable conditions are tailored to the specific premises, with the over riding aim of not adding to cumulative impact in the CIZ, whilst working within the framework of the Licensing Act 2003.

CIZ is a crucial part of the licensing approach to Brighton & Hove and taken together with a close working relationship between police and council links in with the Home Office drive to limit and reduce alcohol related crime. There is also the justified expectation from the residents of Brighton & Hove that we will use this to tackle alcohol related disorder, public nuisance and violent crime.

CIZ, rather than having any negative effect upon the licensing trade and night time economy within Brighton & Hove is actually assisting in setting higher standards and actively promoting a higher level of participation from operators of licensed premises in promoting the four key principles of the Licensing Act 2003.

The police view is that CIZ as adopted on the 13<sup>th</sup> March 2008 should remain in place and the area should remain the same. The two special stress areas, Brunswick and North Laine should also remain unchanged at this time. Analysis does not support either the CIZ or the special stress areas increasing in size, equally it does not support a downsizing of these areas. Figures show that whilst PPVC is showing a reduction over the year to date, the CIZ still accounts for over 50% of all PPVC. The only additional area police are monitoring due to thefts, PPVC and anti social behaviour is the southern end of London Road. It may be in future, based on further analysis and following consultation, that it may be proposed that London Road be put forward to be included as a special stress area.

### **Cumulative Impact – a summary**

In conclusion the police view based upon analysis during the police performance year since CIZ was adopted is that this has had a positive effect and has assisted in reducing overall PPVC and therefore should remain in place and not be increased or decreased in size.

There has been no information received from any of the 3 District Inspectors who head the neighbourhood policing teams to highlight any changes to CIZ which are required. These Inspectors and the teams of police officers and PCSO's they lead work closely within the community.

Hotspot analysis and crime figures show that over 50% of all PPVC across the city takes place within the CIZ.

This area contains the highest concentration of licensed premises in the city and several of the top 10 streets for PPVC in Sussex are within the current CIZ.

Standards of licensed premises within CIZ are improving by greater participation from premises in promoting the licensing objectives. This is closely linked to the partnership approach by police, council, residents and licensed premises in ensuring a safer night time economy.

With the present financial climate and recession, CIZ will assist in improving the city centre area and attracting visitors to the area by providing as safe and enjoyable an experience in licensed premises as possible whilst council, police and the licensed trade work in partnership. Indeed Brighton & Hove has been awarded Beacon Status by the government in March 2009 for managing the night time economy and hailed as a national centre of excellence for managing drinking and licensed premises in the city centre. CIZ was mentioned as an important part of the decision making and judging process.



***PS Wauchope CW098 Brighton & Hove Licensing Unit***



# **ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE**

## **Agenda Item 6**

Brighton & Hove City Council

<b>Subject:</b>	<b>Waste Management Strategy &amp; Consultation Plan</b>		
<b>Date of Meeting:</b>	<b>22 June 2009</b> Environment CMM 7 May 2009		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name: Jan Jonker</b>	<b>Tel: 29-4722</b>	
	<b>E-mail: <a href="mailto:jan.jonker@brighton-hove.gov.uk">jan.jonker@brighton-hove.gov.uk</a></b>		
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No. ENV8755</b>	
<b>Wards Affected:</b>	<b>All</b>		

### **FOR GENERAL RELEASE**

#### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The refuse and recycling service has undergone significant changes. Recycling levels have improved, the amount of waste produced per household has reduced, customer satisfaction has increased significantly and the costs of providing the service have reduced.
- 1.2 Reducing our waste and increasing re-use and recycling is not only necessary to protect the environment but also essential if we are to minimise cost increases associated with dealing with waste.
- 1.3 This report introduces a draft waste management strategy for the city (summarised at Appendix 1 to this report) which sets out options to improve how we deal with waste in future. The strategy focuses on municipal waste, which is waste for which the council has direct responsibility. Permission is sought to consult on the strategy as set out in the consultation plan attached to this report.
- 1.4 The draft strategy sets out proposals to minimise the total amount of waste produced, increase composting and recycling rates further and reduce the amount of waste sent to landfill while maintaining current refuse collection frequencies. Proposals of how this will be achieved are set out in a detailed action plan (Appendix 2).
- 1.5 The 7 May Environment Cabinet Member meeting endorsed the Draft Waste Management Strategy and approved the proposed consultation plan for the strategy (Appendix 3).
- 1.6 The consultation period will commence on 22 June and end on 7 August 2009. It is anticipated that the strategy will be presented to Cabinet for endorsement in the autumn once all the consultation responses have been considered.

1.7 An extract from the minutes of 7 May CMM are attached to this report at Appendix 5.

## **2. RECOMMENDATIONS:**

That ECSOSC consider and comment on the draft strategy as part of the overview and scrutiny role in pre-decision policy development.

## **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

3.1 The refuse and recycling service has undergone significant changes recently. Revised collection rounds have improved the efficiency of the service and lower waste levels than anticipated have generated savings of £1.6 million per year. The introduction of communal bins in central parts of the city will result in cleaner streets. These changes are the result of long term planning and investment in new waste infrastructure including a new waste transfer station and a new materials recovery facility which are key to the future sustainability of the service.

3.2 Over 28% of waste is recycled putting the council in the top quartile of local authorities in the UK. The percentage of waste disposed to landfill has reduced from 75% in 2005/06 to 60% in 2008/09.

3.3 Although our performance is good, a lot of waste that can be recycled through the existing kerbside service still ends up with the normal rubbish. Analysis has shown that if everyone recycled all their paper, card, cans, plastic bottles glass and batteries our recycling rate would increase from 28% to 37.5%.

3.4 There is still scope to improve performance further, which is necessary not only in order to protect the environment but also to minimise costs associated with dealing with waste. The land filling of waste is subject to more taxes which means recycling is the most cost effective option.

3.5 To address these issues a draft waste management strategy has been developed. The objectives of the strategy are to:

- Prioritise waste minimisation, re-use, recycling and recovery over disposal, in accordance with the waste hierarchy;
- Maximise diversion of waste from landfill to minimise the council's liabilities under the Landfill Allowance Trading Scheme (LATS) and minimise other costs such as landfill tax
- Ensure compliance with emerging legislation surrounding waste management and recycling
- Increase the sustainability of waste management practices in Brighton & Hove
- Plan for continuous improvement in services, ensuring services are cost effective and available to all
- Protect our environment through minimising impacts on the physical environment, air quality and emissions and protect human health & well being

- Ensure costs of services represent value for money for council tax payers
- 3.6 Early consultation took place during the development of the options as set out in the section below.
- 3.7 Based on the research the strategy sets out nine policies to meet the strategy objectives. The policies cover to:
- Waste minimisation & prevention
  - Re-use
  - Increasing recycling rates
  - Increasing composting rates
  - Managing residual waste collection
  - Communication
  - Enforcement
  - Business waste and waste from other organisations
  - Service quality and value for money
- 3.8 A realistic three year action plan has been produced in order to deliver the policies in the short term. This will result in recycling rates increasing by at least 4%, from 28% to 32%, the amount of waste sent to landfill decreasing from 60% to 12% and continued reduction in the overall amount of waste produced.
- 3.9 In order to improve the service in line with the objectives in the strategy in the longer term, significant changes to the service and capital investment will be required. Further research is needed to ensure that any such changes meet the objectives and are sustainable in the long-term.
- 3.10 A copy of the draft waste strategy is available in Member's rooms. A summary of the strategy is attached as Appendix 1 and the Action Plan is attached as Appendix 2. The proposed consultation plan is attached as Appendix 3. A summary of the sustainability appraisal on the strategy is attached as Appendix 4. A full copy is available in Member's rooms.

#### 4. CONSULTATION

- 4.1 Early targeted consultation took place during the early stages of the development of the draft strategy. This consultation included:
- **Member Consultation**, consisting of at least two member seminars, to bring councillors up to date with the waste management agenda, the challenges ahead and to seek initial feedback on strategy options.
  - **An Advisory Panel** consisting of regulators, local interest groups (business associations, the waste management sector), the Local Strategic Partnership, representatives from community focus groups and the sustainability commission. The advisory panel met three times and was responsible for testing specific proposals.
  - **Three Community Focus Groups** consisting of representatives from the Citizen Panel and respondents to Cityclean's service questionnaire who were responsible for testing specific options from a service user's point of view. Each of the groups met three times.

- 4.2 This report seeks approval to consult on the draft strategy in accordance with the consultation plan set out in appendix 3, and using the consultation document attached as appendix 1 as a basis. Subject to Cabinet approval the consultation period will begin towards the end of May and run for a period of six weeks.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The council faces significant financial risks from landfill tax and possible fines of up to £150 per tonne if the landfill of biodegradable waste exceeds government allowances. These financial risks have been factored into the financial models for the waste disposal budget and the calculation of the waste PFI reserve, however, these risks can be mitigated by measures to reduce waste arising and increase recycling as outlined in the draft waste management strategy. Implementation of any proposals will be subject to the production of a robust business case and any upfront capital investment could be made available from the waste PFI reserve subject to a short payback period of no more than the life of the asset. The consultation process is estimated to cost £17,000 and provision has already been made in the existing communications budget.

*Finance Officer Consulted: Mark Ireland Date: 08/04/09*

### Legal Implications:

- 5.2 The draft strategy seeks to improve performance within the legal framework governing the Council as a Waste Collection and Disposal Authority. In relation to the enforcement of recycling, the Council has power to do this under the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005. An enforcement policy would need to be drawn up and followed.

*Lawyer Consulted: Elizabeth Culbert Date: 13/03/09*

### Equalities Implications:

- 5.3 The draft waste strategy has been subject to an Equalities Impact Assessment (EqIA) screening process. Based on this screening process specific parts of the strategy and action plan will be subject to full EqIAs.

### Sustainability Implications:

- 5.4 The draft strategy aims to improve the sustainability of waste management in Brighton & Hove. It has been subject to an independent Sustainability Appraisal to assess the sustainability implications of the proposals. The SA will be available as part of the consultation process and the findings of the SA will be considered along with consultation responses in finalising the strategy.

Crime & Disorder Implications:

- 5.5 The strategy will seek to fairly enforce waste legislation and continue to take fair and consistent enforcement action to tackle waste related offences such as fly-tipping.

Risk & Opportunity Management Implications:

- 5.6 The strategy sets out plans to manage the risks associated with waste generation in the city, in particular financial risks and environmental risks.

Corporate / Citywide Implications:

- 5.7 Every household, visitor and business in the city produces waste. How this waste is managed has a significant impact on the environment, the economy and quality of life. The strategy sets out to further improve how waste is managed which is expected to have an overall positive impact on the city.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 During the development of the waste management strategy numerous options to meet the strategy objectives were evaluated. The options presented in this draft strategy are the preferred options based on a range of criteria including environmental, financial, social criteria and deliverability of options in Brighton & Hove.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Brighton & Hove needs a robust and deliverable plan to further improve the sustainability of its waste management and recycling service and to minimise cost increases associated with waste disposal. The draft strategy sets out proposals to achieve this improved performance.
- 7.2 How waste and recycling services are offered affects every resident in the city. Improving the sustainability of how we manage our waste and keeping waste costs down requires the buy in of residents from across the city. It is therefore essential that the views of service users are sought and considered before the strategy is finalised.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Municipal Waste Management Strategy Consultation Summary (DRAFT May 2009)
2. Municipal Waste Management Strategy Action Plan (DRAFT May 2009)
3. Municipal Waste Management Strategy Consultation Plan (DRAFT May 2009)

4. Sustainability Appraisal of Brighton & Hove Municipal Waste Management Strategy – Final Report Summary
5. Extract from Minutes of 7 May Environment Cabinet Member meeting

**Documents In Members' Rooms**

1. Draft Municipal Waste Management Strategy (DRAFT May 2009)
2. Sustainability Appraisal of the Brighton & Hove Municipal Waste Management Strategy

**Background Documents**

None.



**Brighton & Hove City Council**

**Municipal Waste Management Strategy Consultation  
Summary and Action Plan**

**DRAFT May 2009**

## Introduction

On average, every resident produces 436 kg of waste per year and in total the council collects 114,000 tonnes of waste per year. The cost of dealing with this waste is approximately £21 million per annum which is paid for by the tax payer.

In recent years we have transformed how we deal with waste in the city, not only to meet statutory requirements but to ensure efficient use of your money:

- 98% of properties now have a recycling service and our recycling and composting rates are over 28%, up from 10% in 2000 to 28.5% in 2009
- The weight of waste we each produce has declined steadily from 443 kg per person in 2002/03 to 436 kg per person in 2008/09
- We have contained most of the waste in the city with wheelie bins, communal bins and Binvelopes, which has cleaned up our streets considerably
- Service users are much more satisfied with the waste collection service overall, levels of customer satisfaction have increased from 46% in 2002/03 to 77.5% in 2007/08.

We have also entered a long term contract to develop facilities to reduce our reliance on landfill, manage our waste more sustainably and ensure long term secure waste services for the city.

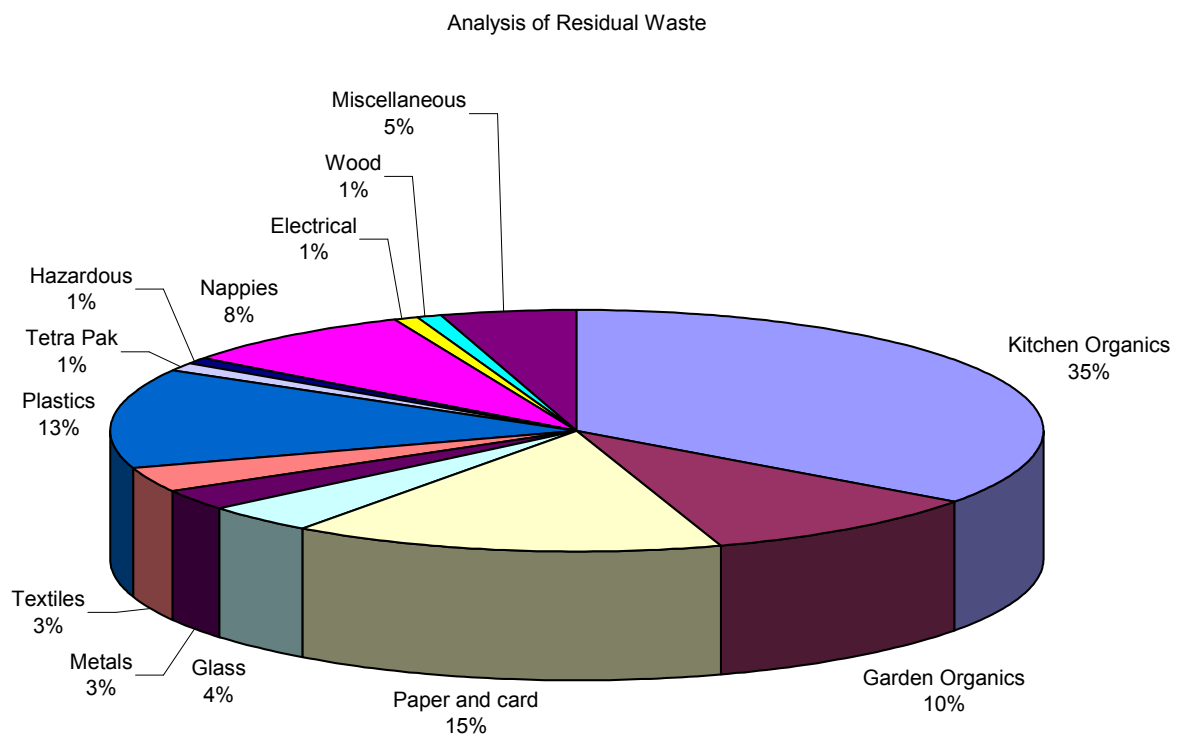
Despite these improvements we know we can still improve further.

We can not continue sending most of our waste to landfill:

- Our local landfill site will close by 2010, with no new sites planned in the area

- We will have to pay fines to the European Union, which could run in to millions of pounds, if we do not reduce the amount of waste we send to landfill
- We have a responsibility to protect our environment and grow the economy, and how we deal with waste is key to this.

We have analysed the household waste we generate in Brighton & Hove. The composition of the waste we throw away, and do not recycle or compost is summarized in the figure below.



If everyone recycled all the materials for which we provide a collection service our recycling rate would increase to 37% overnight. This would result in a huge saving to the council tax payer. Disposing of a tonne of waste to landfill cost £86 per tonne

in 2007/08, including landfill tax. If we sent too much waste to landfill the EU would impose fines of £150/tonne taking the total cost to £236/tonne. The cost of recycling on the other hand was approximately £53 per tonne.

Approximately a third of what we throw away is food – most of which is still usable. We know this is the result of more fast food, super market shopping and a rise in single person dwellings. If we wasted less food not only would our household bills go down, the costs to the council and the environment would also be significantly reduced.

To address these problems we have developed a draft waste strategy, which sets out a plan to deal with our household waste more sustainably and effectively in future.

This is the consultation summary of the strategy which outlines the main policies and action plan. We are interested in your views on our proposals and have included a questionnaire. Please take the time to complete the questionnaire and return it to us in the envelope provided.

## **How Did we Develop the Strategy?**

In order to further improve our performance we looked at the best performing councils in the UK and other good practice worldwide. We then narrowed our search down to ensure it was relevant Brighton & Hove.

Based on the research, we developed a number of options based on environmental, operational, social and financial criteria using a model developed by the London School of Economics.

During the development of these options we consulted with three focus groups consisting of residents from across the city, and other organisations including the Environment Agency, representatives from the community sector and from the business sector.

The strategy has been subject to an independent sustainability appraisal, which assesses the social, environmental and economic consequences and identifies options addressing these.

## **Objectives**

The proposed objectives of the strategy are to:

- Reduce the overall volume of household waste generated and maximise re-use, recycling and recovery
- Send as little waste as possible to landfill to avoid fines and other costs such as *landfill tax*
- Ensure we comply with all laws relevant to waste management, and that we as the council enforce laws relating to waste fairly and consistently
- Protect the environment and enhance the quality of our local environment
- Ensure services continue to improve and represent value for money for council tax payers.

**Table 1: Proposed Targets for the Strategy**

<b>Target</b>	<b>Current Performance (2007/08)</b>	<b>2012/13</b>	<b>2015/16</b>	<b>2020/21</b>
Recycling & Composting	28.5%	32%*	40%	45%
Energy Recovery	11%	56.1%	55%	53%
Landfill	60.6%	11.6%	5%	2%
Kg household waste produced per person (all waste incl. recycling)	436	415	402	383
Kg residual waste per person not reused, recycled or composted (NI 192)	-	310	270	225

### **How Are We Going to Get There?**

Based on the research we have drafted nine policies which will govern how we manage our waste in line with the objectives of the strategy. These policies are set out below.

- A detailed 3 year plan setting out what we will do when against each of our policies
- A longer term plan which requires further research, evaluation and consultation. The plan will be influenced by developments in national policy, legislation, the development of recycling infrastructure and markets and technology.

A copy of the action plan is attached to this document as Appendix 1.

## **Policy 1: Waste Minimisation and Prevention**

Effective waste minimisation requires action from all, for example, for manufacturers to ensure items are more durable or re-usable, moving away from disposable items. It also requires retailers to reduce packaging of their products and consumers to change their behaviour, for example by buying products with less packaging, and re-use items where possible.

Key policies to be adopted in relation to waste minimisation are:

- Engagement with local retailers to reduce packaging. Work with trading standards on excessive packaging and plastic bag distribution reduction
- Stepping up promotion of re-usable nappies and offer subsidised starter packs of reusable nappies
- Promote home composting, and provide subsidised home compost bins/digesters for garden and food waste
- Encourage households to reduce the amount of waste they generate for example by limiting the size of the residual waste container where possible, to encourage households to fully use the recycling service, compost at home and take reasonable precautions to minimise their waste
- Adopting a 'No-Extra Waste Policy' by not collecting waste which does not fit within the container provided (for example, not collecting bags left next to or on top of bins)
- Not collecting garden waste with residual waste, to encourage home composting
- Promote and campaign towards the reduction of food waste by supporting the Waste Resources Action Programme (WRAP) campaign 'Love Food Hate Waste' and working with the Food Partnership

## **Policy 2: Increasing Rates of Re-use**

Charities and the community groups play a significant role in collecting and refurbishing items (i.e. furniture) making them suitable for re-use and delaying disposal. Brighton & Hove is home to many charities engaged in re-use activities. The work of these organisations complements the objectives of the council of reducing the amount of waste sent for disposal as well as providing a resource for residents.

To improve rates of re-use the council is committed to improving partnership working with the voluntary sector as well as increasing re-use through other means i.e. working with supermarkets to increase the use of reusable bags.

## **Policy 3: Increasing Recycling Rates**

Many materials that can be recycled, and for which there is a collection service (paper, card, cans, plastic bottles, and glass) still end up being thrown away as residual waste. In 2007/08, the city's recycling rate in Brighton & Hove was just over 28%. **If everyone recycled all the materials that we currently collect our recycling rate would be approximately 37%<sup>1</sup>.**

With the cost of waste disposal increasing as a result of landfill tax, and EU penalties, recycling is not only an environmental necessity but also a financial one. The cost of recycling one tonne of waste is £53, compared to the cost of £86 of disposing it to landfill. People who do not recycle are in effect being subsidised by those who do. In order to minimise cost increases associated with waste and recycling we need to make sure everyone does what they can.



Key policies in relation to dry recyclables are:

- Develop an on-going, high profile and effective communication campaign to increase levels of paper, card, glass, cans, plastic bottles and household batteries that are recycled. This will include work with all sectors of the community, including young people and schools
- Trial the provision of incentives to encourage householders to recycle more
- Continue the policy where households which continually fail to recycle despite having access to recycling services, will as a last resort, face fines up to £75
- Review markets and opportunities for increasing the number of materials collected for recycling
- Ensure recycling services are both financially and environmentally sustainable
- Assess the feasibility of communal recycling in the city centre. The city centre has a high turn over of population and many properties do not have a lot of storage space which has resulted in relatively low participation in recycling services in these areas. On completion of the feasibility study residents will be consulted on the proposals
- To introduce extensive recycling facilities across the city centre for streets and beach waste
- Extend the number of materials recycled at high and low rise flats to include cardboard and plastic bottles
- Extend the number of materials recycled at bring sites to include cardboard and plastic bottles.

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<sup>1</sup> Based on information taken from Household Waste Compositional Analysis Report – Comparative Report, Network Recycling August 2007.

## **Policy 4: Increasing Composting Rates**

### *Food Waste*

Food waste makes up a third of residual waste, and when disposed to landfill rots to release methane – a potent greenhouse gas. It is therefore an important material to consider as part of the strategy.

Implementing food waste collection will be expensive because of the need to purchase a new fleet of special food waste vehicles as well as issuing all householders with food waste bins. This investment does have the potential to pay for itself provided enough residents use the service, reliable commercial markets exist for the resultant compost and is operated alongside an alternate weekly collection of refuse. Food waste collection is not particularly wide-spread, even in countries with the highest recycling and composting performance.

To start to assess the sustainability of different food waste collection options an initial independent 'Life Cycle Analysis' has been commissioned. Results suggest that in terms of carbon savings alone there is no basis to distinguish between direct incineration and separate food waste collection with Anaerobic Digestion (AD). AD is a technology to process organic waste and produce a fertiliser and generate electricity.

The results also show that based on the full set of environmental impacts, incineration in an Energy from Waste facility with no separate food waste collection has the least overall environmental impact<sup>2</sup>.

Modelling environmental impacts of any activity depends on a wide range of variables and further work is required to fully evaluate the

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<sup>2</sup> Beyond Waste Revised LCA Results 01.05.09.

environmental impacts of different options for managing food waste. Either way, environmentally and financially the best way to deal with food waste is to reduce the amount we produce in the first place.

Recently 17 councils across the country have taken part in trials of food waste collections. The trials found that the amount of food waste collected was variable, with higher rates of collection in those areas with fortnightly refuse collection. Collections from flats and houses of multiple-occupancy were relatively low<sup>3</sup>.

Before deciding on whether to implement food waste collections Brighton & Hove propose to carry out further research in to food waste collections.

At present there are no facilities within close proximity to Brighton & Hove suitable for processing food waste. A facility to compost garden waste will be opened in East Sussex in 2010, which can potentially process a small amount of food waste. Planning permission would be required to increase the tonnage of food waste processed at the site.

For these reasons our policies in relation to food waste are to:

- Encourage householders to reduce the amount of food waste they produce
- Carry out further research and review the feasibility of food waste collections by 2011.

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<sup>3</sup> Evaluation of the WRAP separate food waste collection trials, written by Resource Futures, September 2008.

### *Garden Waste*

Free garden waste collections lead to an increase in the total volume of waste put out for collection (rather than just resulting in garden waste being diverted from residual waste<sup>4</sup>) and increased costs for the council because it reduces the incentive to compost at home.

Experience elsewhere in Europe has shown it is extremely difficult to encourage home composting where the garden waste collection is free. In the UK where garden waste collections are charged for, collected quantities tend to be much lower than in cases where free collections are in place.

Our policies in relation to garden waste are:

- To continue to promote home composting and provide subsidized compost bins
- Promote chargeable collection for materials that can not be collected at home.

### **Policy 5: Residual Waste**

The way in which services are provided for residual waste collection affects waste minimisation, recycling rates and composting rates.

Many authorities in the UK have introduced fortnightly refuse collections (or Alternate Weekly Collections) to encourage residents to minimise their waste and recycle more. Due to the high density of housing in Brighton & Hove and no immediate plans for separate food waste collection and there are no plans to introduce fortnightly collections of residual waste. The frequency of refuse collection will remain the same.

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<sup>4</sup> Managing Biowastes from Households in the UK: Applying Life Cycle Thinking in the Framework of Cost-Benefit Analysis, Eunomia, May 2007.

A number of countries charge residents for the amount of waste they put out for collection rather than charging for collection and disposal through taxation, this has been seen to have positive impacts on waste minimisation and recycling rates.

Charging for waste collections presents significant social, logistical and technical issues which would have to be overcome as well as investment in administrative systems. There are no plans to introduce charges for refuse collection. The service will remain free at the point of use.

An effective way to reduce the amount of waste each household produces is by limiting the volume of waste collected each week to provide sufficient capacity for waste that can not be recycled or composted. Introducing wheelie bins is the best method of enforcing this as each household has an individual bin. In areas where wheelie bins have been introduced recycling rates have increased significantly.

Key policies to be adopted in relation to residual waste collection are:

- The continuation of current refuse collection frequencies, at least weekly
- No charges will be introduced for refuse collection
- All waste as far as practicable will be contained, rather than relying on black sack collections
- Where practicable the volume of residual waste per household will be limited to encourage waste minimisation, home composting and recycling

## **Policy 6: Effective and Clear Communication**

In order to achieve higher recycling rates through optimising current services, increasing home composting and other activities, a strong communications campaign is at the forefront. Service users cannot be expected to understand changes unless they are communicated effectively. A detailed communications plan will be developed to support service changes and development.

## **Policy 7: Enforcement**

As detailed previously, we need to recycle more for financial as well as environmental reasons. As part of the strategy we will focus on improving our customer service and communication so that as far as possible everyone is aware of the services we provide and how to use them. In line with our existing policy on enforcement, and our powers under the Environmental Protection Act we will inform people of our services and why it is important to recycle. Where people refuse to recycle despite having access to the services and information we will issue them with warnings and as a last resort take enforcement action. This is to ensure that our services are fair and that people make the effort to recycle do not end up subsidising those that are not willing to recycle.

A number of local authorities have introduced electronic chips on refuse and recycling containers to monitor how much refuse and recycling each household puts out. The action plans sets out robust plans to encourage householders to recycle even more and manage their wastes more sustainably. Tagging bins would require significant investment in technology and administrative systems and we are confident that we can improve our performance without this level of monitoring.

## **Policy 8: Waste from Businesses and Other Organisations**

Whilst the council's primary responsibility is for waste from households, how waste from businesses and other organisations is managed has an effect on the cleanliness of the city's streets, the local environment and the economy. We will continue to work with businesses and the trade waste industry to work towards more sustainable trade waste services and cleaner streets.

## **Policy 9: Service Quality and Value for Money**

We are committed to providing a high standard of service to our customers which presents value for money. We will strive to continuously improve our service and report on the quality of our service against published standards.

## **Action Plans**

Each policy is supported by a clear action plan. The action plans are set out in the following section.





## Municipal Waste Management Strategy - Action Plan Statement 2010/11 – 2012/13

This action plan details how the objectives and targets set out in the waste strategy document will be met. There are specific actions that flow from each of the 9 policies. The action plans detail the action, tasks, target, and cost needed to undertake the actions. It is the intention to review the action plan statement annually.

### Policy 1: Waste Minimisation and Prevention

**Overall target to decouple economic growth and waste growth – reduce waste generated by 1% per annum to 2010/11**

Actions	Tasks	Target	Timescale
1.1 Increase the use of real nappies	Review success of current campaign and develop a plan for maximising the sale of real nappy starter packs	Establish baseline and set targets. Ensure all new parents are aware of real nappies. Real nappies available to all who wish to purchase them	April 2010
	Assess feasibility of working with Southdown's NHS Trust to ensure all new born babies are issued with re-usable nappies to encourage parents to continue to use them	Have this scheme in place by the end of 2010 subject to feasibility study	Complete feasibility/costing by April 2010
	Stock starter packs for real nappies		Ongoing
	Assess business case for employing real nappy advisor to attend events, hold talks, visit hospitals etc. (in	Business case to be completed and evaluated	September 2010

	conjunction with NHS work)		
	Improve active promotion of real nappies, inclusion in communication materials, web based information, targeted at specific audience	To be determined	Campaign in place by October 2009
1.2 Waste minimisation through home composting/ food waste digesters	Continue promotion of subsidised composters to areas of the city that have the outdoor space	1500 bin sales 2010/11 1250 bin sales 2011/12 1000 bin sales 2012/13 Divert 668t per annum (Based on WRAP calculations)	See target column
	Continue local marketing	One local newspaper advert per quarter.  Composting link in each Citynews Edition monthly	Start further advertising from the end of 2009  Ongoing in Citynews
	Annual mail out promoting reduced price composters	Annually – next in Spring 2009	See target column
	Subsidise food digesters and wormeries, looking particularly into the options for composting/digesters in flats	Sell 1000 digesters per annum, starting in 2010/11 for three years	See target column
1.3			

Household waste collection policy	Continue to provide weekly refuse collection. Audit use of wheelie bins and address side waste where residents are placing out excessive volumes of waste/ not recycling and home composting where possible	Monitor side waste and set targets for reduction, prioritising low performance areas	February 2010
1.4 Waste Awareness and Reduction Campaign	Food waste reduction campaign using local chefs, promoting allotments etc working with the food partnership	Reduce amount of food wasted by 20%	Launch campaign in November 2009 – to run for 12 months
1.5 Tackle over packaging	Establish programme of reporting and enforcement with Trading Standards and work with local retailers	Investigate at least 5 cases of over packaging per quarter from 2010, work in line with the proposed Supermarket Summit	See target column
1.6 Reduce overall waste arising at the two HWRS	Continue enforcement of trade waste into the sites, set waste restricting policy in line with the controlled waste regulation  Divert a new material from landfill	No trade waste entering HWRS.  Policy will define h/hold waste against C&D, i.e renovation, refurbishment is not H/hold waste  Find market for materials still prevalent in general waste highlighted in waste	Ongoing  End of 2009  Feasibility

		analysis, i.e plasterboard, hard plastics and rubble	and time-scales dependent on market but 6-monthly review to take place with contractor.
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**Policy 2: Improving Rates of Re-use (contributes to waste minimisation target)**

<b>Actions</b>	<b>Tasks</b>	<b>Target</b>	<b>Timescale</b>
2.1 Work with charity and community organisations to increase the amount materials re-used	Engage with charities and community groups to establish interest and working standards, in form of partnership framework	Agree partnership framework	November 2009
2.2 Promote online re-use schemes	Scoping exercise to gauge what schemes are available and their effectiveness	Have a circulation list to promote by December 2009. Divert 200 residents per month	December 2010
	Increase profile of re-use groups in Brighton & Hove/ increase re-use rates	Charities 'map' for Brighton & Hove Re-use feature with charities in Citynews	November 2010 January

	Set up a bring and take day, a large one day re-use event. Residents bring items AM and PM they can be taken away by anyone	Work with free-cycle and other re-use groups to set up – measure effectiveness by monitoring items and use conversions to get tonnages diverted	2011  Spring 2010 (spring clear out) possible hold as an annual event
2.3 Review bulky waste collection service to increase re-use and offer an improved service to residents	Tender bulky waste service or bring in house	Service to be tendered or brought in house	By June 2010
2.4 Develop a re-use campaign	Develop a re-use campaign to encourage residents to do all they can including reusable bags, encouragement/education of other options for disposal i.e. re-use	Campaign in place to influence behaviour of residents	November 2010 for 6 months
2.5 Extend re-use schemes at both	Introduce a re-use scheme at Brighton HWRS	Raise profile and use of both re-use facilities	February 2011

HWRS			
	Extend paint re-use schemes to both sites	Implement a paint recycling scheme at the Brighton site	September 2009

### Policy 3: Increasing Recycling Rates

Actions	Tasks	Target	Timescale
3.1 Ensure equal access to bring sites. Those properties that do not have access to kerbside collections to have readily accessible recycling points as close to their doorstep as possible	Review the locations of recycling points to ensure they are within closest proximity to those properties that require access	All properties that do not have kerbside recycling service have access to a bring site within 500m  Number of bring sites in central parts of the city increased (due to households having less storage space for recycling)	Review of sites complete by October 2009. Changes implemented by May 2010
	Review location and facilities for bulky cardboard collection across city and assess how service can best be provided	Increase the number of bulky cardboard collection points and improve the quality of bring banks/ collection service (currently contracted out)	Implemented by May 2010
3.2 Maximise materials and quality of facilities available at bring sites	Continue with expansion of recycling in blocks of flats and at the kerbside	98% coverage of both services (maximum feasible)	July 2009

Item 6 Appendix 2

	Roll-out cardboard and plastic bottles to all bring banks and blocks of flats	Complete roll-out to increase recycling from bring banks and flats by 10%	July 2009 - December 2009
	Review options for on-street recycling and recycling along the seafront and develop new scheme to encourage maximum usage	Implement new and improved scheme across central parts of the city subject to feasibility	September 2009
	Research the feasibility of Tetrapak, battery and light bulb recycling at bring sites	Introduce Tetrapak banks, at 25% of sites Provide 50 battery recycling points Provide 10 light bulb recycling points (All subject to feasibility study/ cost analysis)	April/May 2010
	Evaluate textile recycling bring banks and investigate expansion subject to success/ partnership with charity	Increase number of textile banks to ensure banks are situated at all feasible sites	April/May 2010
	Ensure all sites are maintained to a high standard  Introduce additional materials	Refurbish 20 sites per annum until all are completed (2013), followed by a program of regular maintenance. Appropriate signage  Possibly toy and bra recycling (depending on market and pilot study by	Starting in 2009, complete by 2013  bra June

		TERC)	2009 in line with race for life. Toy December 2009.
3.3 Explore trial for communal recycling in city centre to increase recycling rates	Identify trial area, work with residents throughout trial to assess whether communal recycling is effective/ increases recycling rates.	Trial one area of suitable size (5-10 streets) for one year	April 2010 – April 2011
3.3 Develop communication campaign to increase recycling participation and take enforcement action as a last resort against households who do not recycle despite having access to recycling services	Develop communication plan for face-to-face communication with residents	Local performance indicators to be established – targets to be set. Targets based on number of face-to-face contacts/ reduction in side waste and increase in recycling	February 2010
3.4 Investigate and administer incentive schemes for kerbside	Research incentives schemes (review reports and best practice) and investigate if/how they can be	Trial recycling incentives	Roll out October 2010 for



recycling (and flats)	applied/ translated across the whole city		12 months
3.5 Increase recycling at the two Household Waste Recycling Sites	See below	Increase recycling/ composting rate to: 45% 47% 49% 51%	2009/10 2010/11 2011/12 2012/13
	Monitor waste being disposed with general waste – disposal of recycling with general waste	Enforce to all users of the site. Increase recycling rate to 45%	May 2010
	Segregate plasterboard and MDF separately (subject to feasibility)	Divert 80% of MDF/ plasterboard	March 2010
3.6 Increase the awareness of recycling among the general public through campaign work	Integrate recycling into all residents lifestyles through effective campaigning, including work with young people and schools and voluntary groups	Increase recycling participation (set target based on participation survey)	End of 2009

**Policy 4: Increasing Composting Rates (Home composting is covered under waste minimisation)**

<b>Actions</b>	<b>Tasks</b>	<b>Target</b>	<b>Timescale</b>
4.1 Review food waste	Review food waste life cycle	Inform decision making regarding	December

collection position	analysis, WRAP food waste trials and other collections. Assess different types of collections against participation and tonnage and applicability to BHCC	feasibility of food waste collections in Brighton & Hove	2010
4.2 Promote garden waste collection for materials that can not be readily composted at home	Review existing service provided by Brighton Community Compost Centre, establish plan to promote and expand service further	Agree action plan	2010

**Policy 5: Residual Waste Collection to actively encourage minimisation, recycling and composting initiatives**

<b>Actions</b>	<b>Tasks</b>	<b>Target</b>	<b>Timescale</b>
5.1 Containment of all waste and prevention of excess waste through promotion of recycling & home composting/ improving street cleanliness	Monitor & manage containment of refuse across the city to ensure appropriate containers are used	Ensure appropriate containment is in place across city.	On-going from June 2010

**Policy 6: Enforcement**

<b>Actions</b>	<b>Tasks</b>	<b>Target</b>	<b>Timescale</b>
6.1 Raise the profile and visibility of the Enforcement Team	Increase the level of enforcement activity	Increase officer time on the streets and increase number of officer actions	February 2010
	Improve the efficiency of enforcement and the reliability of data by adopting mobile technology.	Increase officer time on the streets Complete feasibility study Implement new technology subject to business plan	January 2011 January 2010
	Monitor disposal of waste in communal bins and take enforcement action against trade waste abuse/ domestic abuse		On going
6.2 Side Waste Policy continuation and step-up	Enforcement officers to be allocated a specific area to monitor on a regular basis	Monitor zones and have a successful administration procedure in place by November 2009	November 2009
6.3 HWRS monitored and	Enforcement officers to continue	No trade waste	Ongoing

advice/warnings/actions taken against those consistently misusing	unannounced presence at HWRS	No recycling in residual waste	
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### Policy 7: Clear & Effective Communication

Actions	Tasks	Target	Timescale
7.1 Increase understanding of services through a far-reaching communications campaign	Develop detailed annual communications plan	Plan to be produced with communications team annually	2010 onwards annually
7.2 Develop and deliver high profile communications campaign in city centre, specifically targeting communal bin area	Produce innovative communications campaign	Increase recycling in city centre by 5%	November 2009 – June 2010
7.3 Understand behaviour of service users to be able to target communication	Carry out participation survey for recycling services	Participation survey to be carried out every 2 years	2010/11 onwards

campaigns			
	Carry out waste analysis	Waste analysis to be carried out every 4 years	2011/12 2016/17
	Carry out survey to determine percentage of households that can and are home composting to target future promotional activity	Comprehensive monitoring every two years	2011/12 onwards

### Policy 8: Waste from Businesses and Other Organisations

Actions	Tasks	Target	Timescale
8.1 Develop a strategic approach to the management of trade waste and recycling in the city	Identify strategic partners and set up a trade waste forum with contractors and businesses	Establish forum	September 2010
	Develop and maintain trade waste website with strategic partners		February 2011
	Develop overarching trade waste action plan		October 2010 – February 2011
8.2 Maximise recycling of trade waste	Carry out analysis of trade waste composition over a 12 month period/ analysis of collection services available	Measurable baseline – subject to funding	July 2011

	<p>Inform businesses about responsibilities and ways of disposing of electrical waste appliances and hazardous waste</p> <p>Research the feasibility of working with the private sector to establish trade waste collection for electrical equipment and other waste streams</p>	Baseline and targets to be established	March 2010
8.3 Minimise impact of trade waste in streets	Further reduce times at which it is permitted to place trade waste on the highway for collection	No trade waste out for collection in city centre during peak hours	March 2010
	Maintain levels of enforcement for containing trade waste in the city centre	All trade waste in suitable containers (i.e. no thin plastic sacks)	Ongoing
8.4 Minimise the impact of local retailers on excessive packaging	Await the outcome from the impending Supermarket Summit and review actions thereafter	Target to be set when direction known	See target

### Policy 9: Service Quality

Actions	Tasks	Target	Timescale
9.1 Develop and deliver effective customer service improvement	<p>Audit of customer services</p> <p>Develop action plan</p> <p>Deliver action plan</p>	Improved customer services in line with action plan and targets set out in action plan	Audit by April January

plan	Monitor and review		2010 Plan implemen ted by June 2010
9.2 Introduce mobile technology to improve service to residents and service efficiencies.		Complete feasibility study/ business plan/ product evaluation  Implement new technology	Implement new technology March 2011

Internal Consultation Draft





# **Municipal Waste Management Strategy Consultation Plan DRAFT May 2009**

## **Introduction**

This Waste Management Strategy has a high profile and will affect all residents in the city. Effective consultation and information sharing will be essential to ensure service users understand why the strategy has been developed.

We have already consulted with service users and stakeholders during the development of the strategy process to get early input in the strategy development. This pre-strategy consultation is set out in Appendix 1.

## **Purpose of Consultation**

### ***Why are we consulting?***

Cityclean provides waste and recycling services to all residents in the city. In the strategy we are proposing ways to improve our service and its sustainability further. Any changes will affect service users and we are keen to get their views on our proposals before they are finalised.

### ***What do we want to achieve***

Through the consultation we would like:

- To generate a greater understanding of how we currently deal with waste and recycling in the city and how the service is currently performing
- To explain what the challenges are for the future, what the consequences are if we do not improve performance further, and what the implications are for service users. Delivering this strategy will require all residents to make their personal waste management practices more sustainable.
- To get comments on our proposals and

### ***Who do we want to consult with?***

We want to consult with service users from across the city. We want to get a good cross section to make sure we hear from user of all our different services. In particular we want to hear from people who may have difficulty in accessing our services.

We also want to hear from stakeholders, businesses and other organisations with an interest in how waste is managed in the city.

### ***What can and can not be influenced?***

How we deal with waste in the city is a very contentious issue. In the consultation carried out to date we have had a wide range of responses to our proposals, with some people wanting the council to take radical steps to make waste management more sustainable and other people being concerned about the impacts of such radical steps. We are interested in all views in particular in relation to what residents are prepared to do themselves, for example would you be prepared to keep food waste separate if a food waste collection service was offered.

All this feedback will be used to evaluate our proposals. They will be considered along with other factors such as the need to protect and enhance the environment and provide a high standard of service which represents value for money as well as practical constraints and opportunities. It will also be considered along with the findings of the sustainability appraisal.

***How will we use the information?***

All the responses to the consultation will be collated by the Councils Research Team. We will go through all the feedback and determine whether it should result in changes to the proposed strategy. We will produce a report summarising the findings of the consultation and setting out how the findings were used.

**Consultation Process**

The consultation process has been developed with the Council's Research & Consultation team and taking in to account the draft Community Engagement Framework.

***Key Consultees***

As detailed above, we are particularly interested in hearing from a wide range of service users including residents who may find it more difficult to access our services. We also want to hear from people and organisations who are affected by how we manage waste in the city or have an interest in how we manage our wastes.

**a. Citizens Panel**

The council's Citizens Panel consists of 1500 local people, reflecting the profile of all residents within the city. Members of the panel have agreed for the council to consult with them over issues affecting Brighton & Hove, waste being one. As far as possible this panel is representative of ethnicity, gender, age, sexuality, religion etc and reflects a sample cross section of the population in the city.

This group is established and is used regularly by the council to consult on various activities. This group is guaranteed to have a high response rate when approached with questionnaires. The Citizens Panel is coordinated through the Research and Consultation team at the council. The research and consultation team is independent of Cityclean.

The information received back will feed into the consideration of the options chosen for development, planning and implementation within the city.

**b. Other key organisations**

An EqIA has been carried out on the strategy options to identify any hard to reach groups that may not be represented through the Citizens panel. These groups will be contacted directly and provided with an opportunity to respond to the consultation.

**c. Website**

A waste strategy consultation page will be developed on the Cityclean website. This will summarise the main points of the strategy. Full documents for download will also be made available, including:

- Draft Waste Strategy report
- Sustainability Appraisal Scoping report
- Sustainability Appraisal report

The public will be able to comment on these documents through a questionnaire/ comment form on the website. The waste strategy consultation will be advertised on the 'city focus' homepage of the council's website, it will therefore be viewed by most people who log onto the site.

**d. Press**

Press releases and adverts will be placed in local newspapers i.e. The Argus, Leader and Latest Homes to invite comment about the waste strategy, using the proforma questionnaire either through letter or email. An article regarding the strategy will also be printed in Citynews.

**e. Advisory Panel and Citizen Focus Groups**

The established Advisory Panel and Citizen Focus Groups, (both established as Stage 1 of the consultation) will also be consulted on the draft strategy. They will either be issued with hard copies of the consultation documents.

**f. Other**

Hard copies of the draft strategy will be available in the council's public offices (i.e. City direct) for residents viewing.

Information on the draft strategy will also be made available to the following:

- Businesses
- Voluntary, private and public sector
- People affected by policies and development (Internal planning officers, Sustainability Officers, etc.)

**g. Local Strategic Partnership**

The Local Strategic Partnership (LSP) was established in October 2001 and comprises of five sectors each with 6 representatives plus a place each for Government Office of the South East (GOSE) and South East England Development Agency (SEEDA). The five sectors are: Community & Voluntary Sector Neighbourhoods Network & Communities of Interest Business Sector Public Sector and Local Authority Sector. The main purpose of LSP is to improve the economic social and environmental well being of local people in the City of Brighton and Hove.

This partnership will be contacted and asked to comment on the preferred options internally through the council.

**h. Universities & Colleges**

University and college students account for XY,000 residents in Brighton & Hove. Many choose to stay in the area after finishing their courses. In order to get their views the strategy and the web site will be promoted through university publications.

**Equalities Monitoring**

In order to ensure feed back on the strategy is representative of the community, equality monitoring questions will be included in all consultation documents. These responses will be analysed to allow any gaps to be addressed and to inform future consultation processes.

**Stage 3: Post Strategy Adoption Information-Sharing With Service Users**

Once the strategy has been adopted and prior to new services being rolled out, residents (the service users) will be made aware of the forthcoming changes to their collections through information sharing.

The objectives of the information sharing are to inform residents of changes are being made to services and how this will impact on them. Any changes to services will generate some opposition. This opposition will be minimised by explaining why the changes are being made (e.g. the need to reduce reliance on landfill, the fine that will be imposed on the council if it does not improve performance under the Landfill Allowance Trading Scheme (LATS)).

A detailed communication plan will be drawn up.

## Appendix 1- Stage 1 Pre-draft strategy consultation (completed)

The objective of this stage of the consultation was to get early input into the strategy development process, from service users, stakeholders and politicians.

The different components of the Stage 1 consultation process is summarised below.

- Level 1**     **Project Board**, consisting of senior managers from Cityclean, finance and planning with overall responsibility for driving the strategy development process forward
  
- Level 2**     **Member Consultation**, consisting of at least two member seminars, to bring councillors up to date with the waste management agenda, the challenges ahead and to seek initial feedback on strategy options.
  
- Level 3**     **Advisory Panel** consisting of regulators, local interest groups (business associations, the waste management sector), the Local Strategic Partnership, representatives from community focus groups and the sustainability commission. The advisory panel was responsible for testing specific proposals.
  
- Level 4**     **Three Community Focus Groups** consisting of representatives from the Citizen Panel and respondents to Cityclean's service questionnaire who were responsible for testing specific options from a service user's point of view.

These four levels of consultation were used at various intervals in the development process.

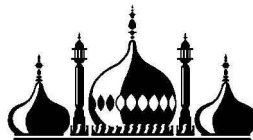


# Final Report Summary

## Sustainability Appraisal of the Brighton & Hove Municipal Waste Management Strategy

Prepared for

**Brighton & Hove  
City Council**



**Brighton & Hove**

by



working with  
**Beyond Waste**

**Consultation Version Issued  
March 2009**

## Summary

Sustainability Appraisal (SA) is a process that assesses the environmental, social and economic consequences of a plan and its policies and seeks to identify ways of achieving a sustainable balance between these considerations. It identifies and reports on the likely significant effects of a plan and the extent to which the implementation of the plan will contribute to sustainable development.

Throughout the Municipal Waste Management Strategy (MWMS) process the work on sustainability appraisal has been integrated with strategy development, to ensure sustainability principles have informed the strategy itself. This summary report documents the Sustainability Appraisal of the objectives, targets and policies of the MWMS and makes recommendations for monitoring the implementation of the strategy. The full Sustainability Appraisal Report is also available from [REDACTED].

### 1. Sustainability Appraisal Objectives and Indicators

An SA Framework was developed and reported on in the SA Scoping Report in February 2007. This involved identifying SA Objectives and Indicators which are appropriate for appraising the MWMS. The initial SA Objectives and Indicators were revised in response to a consultation process and the final set of SA Objectives used is shown in Table 2 below. The proposed indicators can be seen in the full table in section 4 of the report.

**Table 2**

<b>SA Objectives</b>	
<b>Ensuring a strong, healthy and just society</b>	
SAO1	Delivering a high quality residual waste collection service with equality of access.
SAO2	Delivering a high quality recycling service with equality of access.
SAO3	Achieving community acceptability and increasing levels of participation in re-use, recycling and composting.
SAO4	Improving Health & Safety.
SAO5	Improving wellbeing.
SAO6	Minimising the council tax burden of the service.
<b>Living within Environmental Limits</b>	
SAO7	Improving air quality.
SAO8	Minimising the effect on climate change.
SAO9	Managing/ improving the quality of the physical environment.
SAO10	Reducing the total amount of waste sent to landfill.
SAO11	Reducing the biodegradable proportion of waste sent to landfill.
SAO12	Increasing the amount of materials re-used and recycled.
SAO13	Increasing the amount of material composted.
SAO14	Reducing total waste arisings.
<b>Achieving a Sustainable Economy</b>	
SAO15	Ensuring the cost effectiveness and practicability of residual waste collection.
SAO16	Ensuring the cost effectiveness and practicability of re-use and recycling.
SAO17	Reducing road congestion.
SAO18	Encouraging sustainable resource use and maximizing the value of recyclables.
SAO19	Developing a broadly-based innovative local economy with high value/low impact activities.
SAO20	Developing and maintaining a skilled work-force to support long-term competitiveness.
<b>Promoting Good Governance</b>	
SAO21	Carrying out effective, wide ranging consultation on the waste management strategy and the associated sustainability appraisal and implement ongoing communication/ education campaign.
SAO22	Ensuring compliance with statutory duties and legal requirements.
<b>Using Sound Science Responsibly</b>	
SAO23	Reviewing new developments in waste management technologies & techniques.



## 2. Brighton & Hove MWMS

Brighton & Hove City Council has now produced a draft Municipal Waste Management Strategy (MWMS) for consultation. Although an SA is not a statutory requirement for this strategy, the Council wishes to ensure the strategy development process is robust and transparent and fully incorporates sustainability considerations. Sustainability Appraisal has been integrated into the process of options appraisal and the development of the MWMS to ensure that sustainability implications have been considered throughout the process. The results of this are documented in the full report. This summary presents the essential content of the main report.

### Overarching Objectives

The Strategy sets out how Brighton & Hove City Council (BHCC) will achieve its aims of reducing waste and increasing recycling and composting. The objectives of the MWMS are to:

- Prioritise the waste hierarchy by reducing the overall volume of municipal waste generated in Brighton & Hove and maximise recovery of value from the waste that isn't avoided.
- Maximise diversion of waste from landfill to minimise the council's financial liabilities under the Landfill Allowance Trading Scheme (LATS), and minimise other such costs such as landfill tax.
- Ensure compliance with other emerging legislation which requires greater segregation of waste and recycling and recovery practices, often requiring increasingly complicated technology (for example legislation covering the disposal of electronic equipment [WEEE] and hazardous wastes).
- Further increase the sustainability of waste management practices in Brighton & Hove taking into account new targets set out in the national waste strategy.
- Plan for further continuous improvement in services in relation to refuse and recycling and in particular, ensuring services are cost effective and are available to all.
- Protection of our environment through minimising impacts on the physical environment, air quality and emissions and protection of human health and well being.
- Ensure costs of services present value for money for council tax payers.

### Targets

Targets for the strategy (see Table 1) have been produced taking into account what can realistically be achieved, likely future government set targets and minimising the cost increases associated with disposal to landfill.

**Table 1**

Target	Current Performance (2007/08)	2012/13	2015/16	2020/21
Recycling & Composting	28.45%	32%	40%	45%
Energy recovery	11%	56.1%	55%	53%
Landfill	60.6%	11.6%	5%	2%

### Policies

The strategy policies and principles are then explained. Accompanying the strategy is an action plan setting out the policies and associated tasks in more detail. The focus of the strategy is municipal waste, for which the Council has direct responsibility. Most of this is household waste and recycling, but it also includes waste from street and beach cleaning operations.

### 3. Impact assessment

The proposed strategy objectives were appraised against the SA Objectives at earlier stages in the development of the strategy, and a number of changes have been made.

#### 3.1 Strategy objectives

The current strategy objectives overall were found to be broadly compatible with the sustainability objectives, emphasising the importance of moving waste up the waste hierarchy; maximising diversion of waste from landfill; meeting LATS and other regulatory requirements and government targets; and planning for continuous improvement in service delivery.

The assessment also showed that the MWMS objectives do not fully address the sustainable economy aspects, in particular SAO19 – ‘Developing a broadly-based innovative local economy with high value/low impact activities’. To meet this more explicit emphasis could be given to local re-use, recycling and composting opportunities. Also SAO21 – ‘Carrying out effective, wide ranging consultation on the waste management strategy and the associated sustainability appraisal and implement ongoing communication/ education campaign’ was not seen to be fully covered, to remedy this explicit commitment should be made to ongoing communication and education.

It is suggested that the MWMS objectives be amended in order to better reflect all aspects of sustainability. Recommendations are to:

- Introduce a more explicit reference to social aspects such as community acceptability, increasing participation in recycling and re-use, and including the importance of ongoing communication and education measures. This could be added to the fifth objective.
- Include a reference to the importance of promoting local re-use, recycling and composting facilities where they enhance strategy sustainability, perhaps also as an addition to the fifth objective, as part of promoting a sustainable local economy.

#### 3.2 Strategy targets

The Council has been rigorous in ensuring targets set are achievable. We note the tension between realistic targets and those set in Waste Strategy 2007 and Regional Policy for recycling and composting. While a wish to avoid setting targets that will not be met is understandable, ambitious targets can encourage more radical action. The current target gap leaves considerable scope for improvement and we note that the intention to review these in 2011 will present an opportunity to ‘raise the bar’ as the proposed measures and service delivery changes take effect.

The reduction in landfill to 2% by 2020, achieved by introducing the energy from waste plant, clearly helps in terms of reducing landfill dependence. However this plant will only be able to deal with around half the waste produced in Brighton & Hove and East Sussex, which as pointed out in the strategy should not detract from achieving ambitious recycling and composting rates. A more sustainable solution would be to prioritise recycling and composting, to achieve 50% (or higher, e.g. the 55% proposed in the RPG) by 2020. Residual waste could then be incinerated knowing that real efforts have been made to maximise recycling.

#### 3.3 Policies and Action Plans

The strategy policies and principles, together with the actions and tasks assigned to these in the Action Plan, are considered in a matrix (see Appendix B). Each action is assessed against the SA Objectives using a rating system. Summary tables were then produced for each policy, drawing on the assessment matrix to describe the effects and indicate any mitigation measures proposed.

Overall very few significant adverse effects on the SA Objectives were identified; however mitigation measures were proposed which aim to enhance the positive effects of the policies. These are outlined in Table 3 below:

Table 3

Policy	Mitigating measures
Policy 1: Waste Minimisation and Prevention.	<ul style="list-style-type: none"> <li>• Enforcing side waste policy should be done as far as possible in an educational manner to encourage behaviour change.</li> <li>• Creative and targeted approaches should be adopted for the waste awareness and reduction campaign, acknowledging different elements of the community and different waste streams. Food waste reduction is mentioned in the detail of the action plan which is wholeheartedly endorsed. This has been recently brought to national attention and has many potential benefits, social, economic and environmental.</li> <li>• Excess packaging is something people often complain about in the context of waste reduction, so efforts to tackle this in conjunction with Trading Standards as proposed are welcomed. This could perhaps be extended as part of action 1.4 to include the role of consumer choice in terms of packaging purchased and the use of re-usable bags, since this is very much on the agenda now. Retailers could also be engaged in this debate and perhaps involved in the campaign, and linkage could also be made with shopping for local produce.</li> <li>• 'Zero waste' (sometimes interpreted as zero waste to landfill) is a concept some local authorities (e.g. Bath and North East Somerset) are using to inspire creative ways to minimise waste and move beyond the best currently achieved diversion rate of about 50%. Waste Strategy 2007 endorsed this concept by announcing a 'Zero Waste Places initiative' encouraging exemplars of good practice on waste. The MWMS takes valuable steps towards this by emphasising minimisation, re-use and recycling. Useful lessons may be learned for future development of the strategy from other councils using this as an organising principle.</li> </ul>
Policy 2: Improving rates of re-use.	<ul style="list-style-type: none"> <li>• Partnerships with charities and community organisations have real potential for increasing re-use – this should include opportunities for repair/refurbishment of items.</li> <li>• Promotion of communal exchange events including 'Give and Take days' where people leave items out for others to take and the Council cleans up at the end of the day, and also car boot sales.</li> <li>• Maximise re-use opportunities at HWRS – e.g. encourage introduction of an on-site shop at the Wilson Avenue site along the lines of that in Hove and ensure effective separation of re-usable items at both sites.</li> <li>• Encourage support of local repair schemes through economic development activities.</li> </ul>
Policy 3: Increasing recycling rates.	<ul style="list-style-type: none"> <li>• Strongly endorse the action plan target for 3.1 of ensuring all properties without kerbside recycling have a bring site within 500m. This will be especially important for increasing recycling in central parts of the city.</li> <li>• Bring sites need to be well maintained and frequently emptied. Also signage to bring sites and on recycling bins themselves needs to be clear and simple, including pictures to cater for non English speakers.</li> <li>• In addition to bring sites for residents, street bins catering for recycling should be expanded on the seafront and elsewhere in the city centre. Again clear, simple labelling will be important to ensure success. The 'Recycle on the Go' campaign has been recently launched by defra and partners – BHCC should take an active role in this.</li> <li>• Ref action 3.6, increasing recycling at the HWRS while being important in it's own right can also reinforce the message that the Council is serious about recycling. There are other opportunities here too – by ensuring staff are well informed about recycling this can help with ongoing education; also there may be opportunities to increase collaboration with local recycling or composting businesses thus</li> </ul>

	<p>helping the local economy.</p> <ul style="list-style-type: none"> <li>• Consideration should be given to supporting local materials recycling where possible, e.g. use of recycled glass to make work surfaces and other products in Newhaven (eight inch ltd). Onward transportation of recyclate, particularly by road, has considerable environmental impact and should be minimised where possible.</li> <li>• BHCC could take a leading role in green procurement and encouraging 'closed loop' recycling. Purchasing policy could involve doing an inventory of potential uses of recycled materials in council activities, e.g. street furniture (plastic); paving sand (glass); office stationery (paper) etc.</li> </ul>
<p>Policy 4: Increasing composting rates.</p>	<ul style="list-style-type: none"> <li>• Keep to the timescale for reviewing food waste collections by 2011, and include consideration of the feasibility of expanding the capacity of the in vessel composting facility referred to in the strategy to allow local composting to take place to a good standard.</li> <li>• Consider food waste collection &amp; on-site in-vessel composting for large blocks of flats as has been introduced in parts of London.</li> <li>• Continue to support and help expand local initiatives such as BCCC and consider marketing compost produced locally, e.g. at HWRS to encourage the idea of 'closed loop' recycling.</li> </ul>
<p>Policy 5: Residual waste collection to actively encourage minimisation, recycling and composting.</p>	<ul style="list-style-type: none"> <li>• Careful planning and timing of collections will be essential to minimise impacts on congestion and air quality, and also noise disturbance.</li> <li>• Measures may need to be taken to avoid abuse of communal bins, e.g. the possible introduction of access cards.</li> <li>• Introduce communal recycling bins to offer a convenient alternative to residual waste bin use.</li> </ul>
<p>Policy 6: Enforcement</p>	<ul style="list-style-type: none"> <li>• The emphasis for the enforcement team should include a strong element of communication/education rather than a more punitive approach. This has the potential of achieving better results and helping community acceptability.</li> <li>• Information on alternatives to HWRS, e.g. for recycling, should be given to ineligible users, e.g. commercial producers.</li> </ul>
<p>Policy 7: Clear and effective communication</p>	<ul style="list-style-type: none"> <li>• Consider innovative communication approaches – e.g. through letting agents and universities to new tenants.</li> <li>• Signage for recycling sites/bins is an important part of this communication, particularly with regard to visitors and transient populations. Information should be clear and simple and pictorial as well as using words to cater for all languages.</li> <li>• Consider using socio-demographic profiling such as ACORN (A Classification of Residential Neighbourhoods) to segment the population for different messages/approaches.</li> <li>• Introduce recycling at public events, perhaps with incentives, which can also have an educational role.</li> </ul>
<p>Policy 8: Trade waste</p>	<ul style="list-style-type: none"> <li>• There is an opportunity here for the Council to take a high profile lead with their own waste and recycling, and demonstrate best practice to businesses. This should include procurement of recycled products to encourage 'closed loop' recycling.</li> <li>• In addition to enforcement there is an opportunity for awareness raising/education about alternatives to general waste disposal. Business enquirers should be given information about local recycling options, and these could also be promoted more widely.</li> <li>• Reviewing business recycling services to identify and disseminate best practice.</li> <li>• Consider allowing small businesses to take waste for recycling to</li> </ul>

	HWRS for a charge to increase business recycling rates.
Policy 9: Improve service quality.	<ul style="list-style-type: none"> <li>Integrate service improvements and communication of these into wider communications campaigning.</li> </ul>

#### 4. Monitoring and next steps

Government guidance on Municipal Waste Management Strategies states that it is vital that the delivery of strategies is properly monitored and success properly evaluated. Strategies are advised to set clear indicators and targets to measure progress against, including performance indicators and sustainability indicators.

In the context of the Sustainability Appraisal monitoring provides the means to measure the ongoing performance of the MWMS against the SA objectives. A set of sustainability indicators are proposed in the SA Objectives table (Table 3 in Section 4 of the report), and it is proposed that these are used to monitor delivery of the MWMS and its social, environmental and economic effects.

This SA Report will go out for consultation together with the MWMS through a wide scale exercise involving residents and other stakeholders in the city.



**EXTRACT FROM THE PROCEEDINGS OF THE ENVIRONMENT CABINET  
MEMBER MEETING HELD ON THE 7 MAY 2009**

**ENVIRONMENT CABINET MEMBER MEETING**

**4.00PM 7 MAY 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor G Theobald (Cabinet Member)

**Also in attendance:** Councillors Mitchell (Leader of the Opposition), Kitcat (Spokesperson, Green) and Watkins (Spokesperson, Liberal Democrat)

**Other Members present:** Councillors Barnett, McCaffery, Mrs Norman and K Norman

**144 WASTE MANAGEMENT STRATEGY & CONSULTATION PLAN**

- 144.1 The Cabinet Member considered a report of the Director of Environment concerning a draft waste management strategy for the city (for copy see minute book).
- 144.2 The Cabinet Member explained that the draft strategy was a robust deliverable plan to improve achieve a 4% increase in recycling performance, from 28% to 32% and minimise the total amount of waste produced. The Cabinet Member added that residents could rest assured that fortnightly refuse collections would not be introduced and surveillance cameras would not be used.
- 144.3 Councillor Mitchell was broadly supportive of the strategy, but was concerned that it focussed too much on communications and awareness as a means to achieve targets.
- 144.4 Councillor Kitcat echoed Councillor Mitchell's remarks and commented that there was a need to reduce the total amount of waste by changing buying behaviour. He added that it was disappointing that the proposed targets were lower than Government and European Union targets.
- 144.5 Councillor Watkins added that was a need to meeting demand for communal recycling in city centre locations.

144.6 In response to questions from opposition councillors the Head of Strategy for City Services made the following comments:

- Recycling services for high and low-rise flats could be expanded to include cardboard and plastic bottles.
- Officers were in contact with the Older People's Council on issues around green waste collection.
- There was no date set for the 'supermarket summit' yet, but the issue of reducing packaging remained important.
- A communications campaign and communal recycling trial was being proposed to improve recycling rates.
- More research needed to be done before the council could consider the possibility of recycling food waste.
- Tetra paks currently made up less than 1% of the waste stream; recycling facilities more abundant materials took precedence at this stage.
- The strategy should be seen as a detailed action plan with realistic, deliverable targets; it was widely accepted that national targets were harder for urban authorities to reach.

144.7 The Cabinet Member added that he was happy for any councillors to meet with officers to discuss further their concerns around the waste strategy and encouraged residents to engage in the consultation process.

144.8 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the Draft Waste Management Strategy be endorsed.
- (2) That the proposed consultation plan for the strategy be approved.



### **Joint Workshop for Environment and Community Safety; and Culture Tourism and Enterprise; Overview & Scrutiny Committees**

#### **London Road Central Masterplan; Draft Supplementary Planning Document (SPD)**

Tuesday 28 April 2009 Hove Town Hall Committee Room 3

Councillors Present: Ian Davey, Pete West, Mel Davies, Warren Morgan, Bill Randall, David Smart, Pat Drake, Mo Marsh, Amy Kennedy, Tony Janio

#### **INTRODUCTION**

1. Planning Projects Manager Alan Buck opened the meeting which was the first time a joint scrutiny workshop had been convened to consider and comment on a draft SPD. Comments from this session would be reported to the Environment Cabinet Member Meeting on 7 May 2009 with the recommendation to start the statutory 6-week public consultation period in late May. Part of the public consultation would include a 3-day exhibition in the former Co-op department store in London Road.

2. This latest draft had been informed by initial consultations in Summer 2008 including 3 well-received external workshops and a workshop for Members in November.

3. The format of the meeting was; after the short presentation Members could make representations or ask questions of the Planning Projects Team officers at each station covering the six themes:

- Land Use
- Movement and Access
- Urban Design
- Public Realm
- Sustainability
- Community and Funding

4. Comments written down at each station would be taken forward to the Cabinet Member meeting. (summary below)

5. Issues raised by Members:

- a development company and a local community group are also producing a Masterplan
- a list of all the City's protected/locally important buildings would be useful
- advantages/disadvantages of re-routing north-bound traffic
- advantages/disadvantages of excluding through traffic from retail areas
- implications of a square at Ann St /Oxford St junction
- effects of road junctions on traffic congestion
- width of London Road carriageway and traffic queuing

- importance of improving air quality, relating to long-term exposure to pollution

## **SUMMARY OF REGISTERED COMMENTS BY THEME**

### **Sustainability**

- Welcome priority given to sustainable retrofit and refurbishment rather than demolish, eg. New England House possibly also Vantage Point (7.6).
- Desperately need 'greening' of the area to increase biodiversity and soften the area. Street trees, green walls, etc. – This comment felt important by another member: Green infrastructure felt very important – especially green walls.
- Encourage as much local energy generation as possible.
- Green infrastructure paragraph should be given higher priority in the sustainability section – i.e. moved nearer the top.
- Should be an exemplar 'green' area building on & extending the principles established by One Brighton.

### **Public realm**

- Smaller retail units, not large supermarket. North Laine retail culture.
- Threatening public realm – needs addressing.
- Public art / communal spaces / all positive improvements.
- Quality materials.
- Embrace 'Lifetime Neighbourhood' concept – including access for people of all ages & abilities, public lavatories, benches, bike parking, etc.
- To create a boulevard in the London Road you will need to remove more of the traffic.
- Need to create central refuge/reservation to break up London Road – make it easier to cross and less intimidating for pedestrians.
- Shared space could transform Baker St + Providence/Elder Place.

#### **On Street view:**

- Blinds / awnings and restricting signage – good ideas!
- New Central Square worth considering!

### **Urban design**

- 44 Cheapside – last remaining small house. Should be retained.
- Critical relationship between St Barts Church and St Barts School – taking away the school would affect use of Church.
- New England House should be demolished – enough money has already been spent on it.
- New England House is a good building and should be retained/refurbished.
- Elder Place + Providence Place has tremendous potential as a walking + cycling route with a high quality public realm.

### **Movement and access**

- Relocate St Peter's railings to Western footway (1.1) Trafalgar St to Cheapside this would help enforce against illegal stopping that affects traffic flow.
- Provide info on casualties/locations – where are key concentrations?

- Abuse of LHT late into Cheapside to go straight on – physical measure or camera enforcement.
- Agree with reducing bus concentration at Iceland/Somerfield – disperse to
- Elder Place – make more shops and use as alternative route for traffic, if possible.
- Arrange bus/walking tours to help familiarise/experience the area.
- Future parking schemes – how do they impact on area?
- Will any relocation of Fire Station have parking – access would be through residential area!
- Relocate traffic to Union Rd to incorporate The Level more into London Rd.
- Need to reduce traffic levels overall to achieve improvements
- Elder/Providence Place – use for cycle routes.
- Unclear how traffic flows at current rates will sit easily with pedestrian facilities, etc.
- Consider shutting Ditchling Road along The Level & routing main traffic around The Level.
- The London Road Traffic Management Scheme was only partially completed. The scheme introduced the one-waying of Viaduct Rd for southbound A23 traffic. The result was the road became a race track. The northbound traffic was ‘temporarily’ re-routed through London Rd with the intention that it would be re-routed along a re-aligned New England St (once clear of St Barts School). Baker St became one-way westbound at the bequest of Trades Concerned about shopper access. It wouldn’t be very welcome to complete the re-routing of northbound traffic into New England St now the New England Quarter residents have added. However, London Rd will never be free of traffic and the aspirations of making it a nicer place won’t be achieved unless the traffic introduced in now removed. Perhaps as the LRTMS ‘can’t’ be completed it should be undone again, allowing northbound A23 traffic to again go up Ditchling Rd and west along Viaduct Rd. (Pete West)

### **Land use**

- Would like to see development sites 3 and 4 developed together to continue the valuable use of New England House in a rebuilt design at a lower height level with more access for clients at ground level.
- New road via Providence Place/Elder Place for just car size vehicles. Entry at Cheapside just for ‘shopping’ with northbound through traffic straying on the A23.
- The masterplan should take a more visionary holistic approach. Despite the potential development sites comprising around 50% of the built environment of the designated area, there is no overarching vision of how it will be developed together towards agreed vision (Pete West).

### **Community and funding**

- When normal sources of funding are not available, there is the need to look for other alternatives. Mutual ownership schemes via community/third-sector land and development trusts should be considered for New England House. Devon Council has a number of useful examples being implemented.
- Like idea of Open Market as a source of local trade.

- Area lost anchors but has mix of local, small shops that people use on utilitarian basis/for their weekly shop.
- George Street is good example of what side streets with continental feel can be like.

*Brighton & Hove City Council  
City Planning / Planning Projects*

# **ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE**

## **Agenda Item 8**

Brighton & Hove City Council

**Subject:** Scrutiny of crime and disorder matters  
**Date of Meeting:** 22 June 2009  
**Report of:** Acting Director, Strategy & Governance  
**Contact Officer:** Name: **Oliver Dixon** Tel: **291512**  
E-mail: [oliver.dixon@brighton-hove.gov.uk](mailto:oliver.dixon@brighton-hove.gov.uk)  
**Wards Affected:** All

### **FOR GENERAL RELEASE**

#### **1. SUMMARY AND POLICY CONTEXT:**

Under new legislation that came into force in April 2009, all local authorities must establish a crime and disorder committee (CDC) to scrutinise the Crime and Disorder Reduction Partnership (CDRP) and to consider relevant Councillor Calls for Action.

On 28 April the Governance Committee proposed that the Environment and Community Safety Overview & Scrutiny Committee (ECSOSC) be designated the council's statutory CDC; Full Council endorsed the proposal on 30 April.

This report invites ECSOSC to consider how best to implement the arrangements approved by Council, in light of Home Office guidance.

#### **2. RECOMMENDATIONS:**

It is recommended that ECSOSC:

- (1) Notes the report on establishing a CDC, considered and approved by Council on 30 April 2009 (see Appendix 1); and
- (2) Agrees how the council's CDC should function, having regard to Home Office guidance (see extract at Appendix 2)

#### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 On 30 April, Council approved a protocol setting out the separate roles of (i) the Brighton & Hove Community Safety Forum and (ii) ECSOSC, with regard to scrutinising the CDRP. The protocol is a framework intended to guide Members as to which aspects of scrutiny each of those bodies should undertake and how their functions inter-relate.
- 3.2 Home Office guidance on the scrutiny of crime and disorder matters, published in May 2009, contains a chapter (section 3) offering advice on the actual running of a CDC and is reproduced at Appendix 2. Whilst the protocol agreed by Council is fully compatible with that part of the guidance, Members are invited to consider Home Office advice on particular issues, with a view to implementation locally. These issues are as follows:

- 3.2.1 The role of the CDC is to scrutinise the work of the CDRP and the partners who comprise it, insofar as their activities relate to the partnership itself. The committee's scrutiny activity should therefore be framed by the partnership's community safety priorities, set centrally through national Public Service Agreements and locally through the Local Area Agreement.
- 3.2.2 Scrutiny is more effective when it focuses on a policy issue rather than on a single organisation. The purpose of the new legislation is to enable scrutiny not of individual partners but of the partnership as a whole, thus supporting a focus based on policy and finding solutions.

A protocol agreed between the CDC and the CDRP might be helpful for defining how scrutiny would work in practice. This would cover the overall scrutiny of the partnership whereas the protocol referred to in 3.2.3 would be specific to the CDC and the police authority.

- 3.2.3 Clear and sustained engagement between the CDC and the police authority, as the body that holds the police to account, is vital to make sure their roles complement each other. The parties may wish to agree a protocol detailing how they intend to work together on scrutiny of police matters.
- 3.2.4 The CDC should include in its work programme a list of issues which it needs to cover during the year. This should be agreed in consultation with the relevant partners on the CDRP and reflect local community need.
- 3.2.5 The CDC may co-opt additional members to serve on the committee, bringing with them specialism and expertise. Co-optees –
- (i) must be an employee, officer or member of a responsible authority or co-operating person/body;
  - (ii) may not be a member of the executive of the local authority
- 3.2.6 Given the role of the police authority in holding the police to account, the CDC should consider involving them in the work of the committee by one of the following means:
- (i) co-opting a member of the police authority onto the CDC although, for the reason given at 3.2.5 (ii), this may not be a cabinet member of the city council

(ii) issuing a member of the police authority with a standing invitation to attend the committee as an expert adviser. He/she would not be a member of the committee but participate in committee discussion as an expert witness.

- 3.3 Other parts of the Home Office Guidance offer an introduction to community safety (priorities, stakeholders, performance frameworks); and what good scrutiny of crime and disorder would look like, which includes a description of the different techniques a scrutiny body can use to maximise its effectiveness. A full copy of the guidance can be found at <http://www.crimereduction.homeoffice.gov.uk/regions/regions021guidance.pdf>

#### **4. FINANCIAL & OTHER IMPLICATIONS:**

##### **4.1 Financial Implications:**

The work of the Environment and Community Safety Overview & Scrutiny Committee may increase slightly as a result of undertaking functions required of the Crime and Disorder Committee, which may require a small amount of additional support and administration from the Overview and Scrutiny team. However it is anticipated that this will be managed within the existing resources of the team.

*Finance Officer Consulted: Peter Francis*

*Date: 11 June 2009*

##### **4.2 Legal Implications:**

Legislation providing for crime and disorder committees comprises section 19-20 of the Police & Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009 (SI 2009/942), both in force 30 April 2009.

The decision as to how the CDC should be established locally was considered by the Governance Committee on 28 April 2009, and their recommendation was approved by Council two days later.

*Lawyer Consulted: Oliver Dixon*

*Date: 9 June 2009*

##### **4.3 Equalities Implications:**

The development of working mechanisms to implement CDC powers needs to ensure that equality issues are addressed.

##### **4.4 Sustainability Implications:**

There are no direct sustainability implications arising from this report.

##### **4.5 Crime & Disorder Implications:**

Effective scrutiny of CDRP should translate into improved performance in relation to crime and safety matters as measured by Public Service Agreements, the Local Area Agreement, Comprehensive Area Assessment and the Place Based Survey

4.6 Risk and Opportunity Management Implications:

There is a risk of duplication of effort, or of a lack of accountability if the roles of the CDC and the CSF are not clearly understood and articulated. The development of the protocol within these papers should help overcome this risk .

4.7 Corporate / Citywide Implications:

Home Office guidance emphasises the fact that scrutiny is focused on improvements, on enhancing the performance of existing services, and on a constructive examination of the priorities of the partnership. Scrutiny undertaken in this way should help to cement the council's relations with its strategic partners

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Report to Council, 30 April 2009, on the establishment of a crime and disorder committee
2. Section 3 of 'Guidance for the scrutiny of crime and disorder matters' published by the Home Office, May 2009



# ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

## Agenda Item 8 Appendix 1

Brighton & Hove City Council

<b>Subject:</b>	<b>Statutory Crime &amp; Disorder Committee</b>		
<b>Date of Meeting:</b>	Council 30 April 2009 Governance Committee 28 April 2009		
<b>Report of:</b>	<b>Acting Director of Strategy &amp; Governance</b>		
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<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Following consultation over the 2008 Policing Green Paper (*'From the Neighbourhood to the National: Policing our Communities Together'*), the Home Office announced last November its intention to further strengthen the delivery of crime reduction through partnership working and to ensure a clear route of joint accountability for Crime & Disorder Reduction Partnership activity.
- 1.2 The Government aims to achieve this by commencing legislation on 30 April 2009, providing for Crime and Disorder Committees and Councillor Call for Action.
- 1.3 The issue for the Council is how best to accommodate the new legislation alongside the good practice that already exists in Brighton & Hove for holding to account those bodies tasked with reducing crime and disorder.
- 1.4 This report:
  - details the key elements of the new legislation
  - sets out the Council's implementation options and recommends one of these
  - recommends a protocol to ensure effective co-operation and co-ordination between the Community Safety Forum and the new Crime and Disorder Committee

#### 2. RECOMMENDATIONS:

It is recommended that the Committee –

- 2.1 Recommends to Full Council that the Environment & Community Safety Overview and Scrutiny Committee ('ECSOSC') be designated the Council's statutory Crime and Disorder Committee.
- 2.2 Agrees to recommend to Full Council the protocol at Appendix A, governing the interface between the Community Safety Forum ('the Forum') and ECSOSC.
- 2.3 Agrees to recommend that the Chair of ECSOSC (being the Chair also of the Crime and Disorder Committee) become a member of the Forum.
- 2.4 Authorises the Head of Law to put these arrangements into effect, following Full Council approval, including any necessary amendments to the Council's constitution
- 2.5 Instructs the Head of Law to monitor the effectiveness of the arrangements implemented under 2.1 and 2.2 above and, if appropriate, to submit a report to the Governance Committee, as part of the Council's 12-month review of the Constitution, on any changes considered necessary.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Government intends to bring sections 19-21 of the Police and Justice Act 2006 ('the Act') into force on 30 April 2009.
- 3.2 Section 19 will require the Council:
  - (i) to establish a crime and disorder committee ('CDC') with power –
    - (a) to review or scrutinise decisions and actions taken by responsible authorities (the chief officer of police, the police authority, primary care trust, fire and rescue authority, and local authority, for the area concerned) in connection with their crime and disorder functions; and
    - (b) to make reports or recommendations to the Executive with respect to the discharge of those functions;
  - (ii) to make arrangements which enable any member who is not a member of the CDC to refer any local crime and disorder matter to the committee, under the process known as Councillor Call for Action. This will allow ward issues that Councillors have sought to resolve through other means to be raised at the CDC as an option of last resort. The CDC then has power to make a report or recommendation to the Executive in relation to the matter
- 3.3 Draft regulations issued in connection with section 19 give CDCs the power to obtain relevant information from the responsible authorities or cooperating persons or bodies (the latter include local probation boards, NHS trusts and governing bodies of schools), and to require their attendance at a CDC meeting to answer questions.

- 3.4 Whenever a CDC makes a report or recommendation to the Executive, it must provide a copy to the appropriate responsible authorities and co-operating persons and bodies, who in turn must –
- (i) consider the report or recommendations;
  - (ii) respond to the CDC, indicating what action (if any) it proposes to take;
  - (iii) have regard to the report or recommendations in exercising its functions.
- 3.5 The Act requires the CDC to be an overview and scrutiny committee. The Council's constitution satisfies this requirement, as the statutory functions of the CDC fall within the remit of the Environment and Community Safety Overview and Scrutiny Committee (ECSOSC). However, these functions need to be considered in the context of the role performed in Brighton & Hove by the Community Safety Forum ('the Forum').
- 3.6 The Forum has a broad remit relating to all aspects of crime, disorder and community safety. It enjoys the support of and active engagement from the responsible authorities, and indeed the types of issue that may come before the CDC are currently dealt with by the Forum. However, the Forum is not an overview and scrutiny body and cannot, as currently constituted, assume the mantle of CDC with all its attendant powers.
- 3.7 To achieve the dual aims of maintaining the effectiveness of the Forum and complying with the new legislation, the options open to the Council are as follows:

Option 1 Confirm ECSOSC as the statutory CDC with a remit to deal with those crime and disorder matters which must by law or by the Council's constitution be referred to it; and refer all other crime and disorder matters to the Forum.

For the reasons given at 3.8 - 3.11, this is the **recommended option**.

Option 2 Introduce a new overview and scrutiny committee to perform the functions of the CDC, leaving an Environment Overview & Scrutiny Committee to concern itself purely with environmental matters; and refer all other crime and disorder matters to the Forum.

Whilst this would achieve the same result as option 1, a stand alone CDC would increase the number of overview & scrutiny committees to seven, resulting in an overloaded schedule of meetings for Members and difficulties in allocating sufficient Members to the CDC.

Option 3 Refer all crime and disorder matters to a single body, the Forum, but with an inner body of elected overview and scrutiny Members who discharge CDC functions when required. Although this would conform with legislation, it is likely to alienate the majority of Forum members, as the only people who may be co-opted onto the CDC are

employees or officers of the responsible authorities or co-operating bodies or persons; nor could the Chair of the Forum, by virtue of being a member of the Council's Executive, serve on the CDC.

Option 4 Cease the Forum and transfer all its business to a stand alone CDC which would become the Council's seventh overview & scrutiny committee, leaving an Environment O & S Committee to deal with environmental matters only. This has the disadvantages associated with options 2 and 3 above. Further, it would deprive the majority of existing Forum members of their regular opportunity to participate in debates and discussions about crime and disorder matters at a forum involving all CDRP members. This would be a regressive step at the very time when the Council is about to face new duties to promote local democracy.

3.8 The recommended option envisages the Forum retaining its current role. To avoid the risk of the Forum and CDC addressing the same issues, which could result in confusion and duplication of effort and agendas, it is recommended that a protocol based on Appendix 1 be developed that establishes the Forum as the primary channel for crime and disorder reduction, and the promotion of community safety. The role of ECSOSC would be to fulfil statutory CDC functions and maintain a strategic overview of crime and community safety issues. This has a number of advantages:

- (i) all the responsible authorities already attend the Forum. Issues can therefore usually be resolved by those present at the meeting;
- (ii) the Forum comprises a wider range of organisations than would be permitted on the CDC; this would allow more meaningful debate of the issues, with all interested parties being able to contribute.
- (iii) ensuring that all community safety and crime and disorder issues are raised at first instance in a single setting (the Forum) will enable the responsible authorities to build up a more complete picture of the type and location of problems of that nature.

3.9 Importantly, this arrangement is compliant with draft regulations on the operation of CDCs. The regulations cover the co-opting of additional members, the frequency of meetings, the provision of information by responsible authorities, attendance at CDCs by non-members, and the timescale for responding to reports and recommendations from the CDC.

3.10 Although CDC membership is restricted to non-executive council members and a limited number of co-optees, its meetings will be open to the public, enabling Forum members not on the CDC to attend and observe proceedings.

3.11 The Government regard Councillor Call for Action as an option of last resort. It is therefore advisable to use the Forum for on-going business but to treat the ECSOS Committee as the formal CDC for those rare occasions when a Member has been unable to resolve an issue through normal channels (including the Forum) and wishes to avail himself of the formal powers available to the CDC.

- 3.12 This saves ECSOSC from being swamped by crime and disorder issues to the detriment of its environment responsibilities; nor would ESCOSC simply be replicating the work of the Forum.
- 3.13 The strategic role of ECSOSC would, to the extent necessary to comply with CDC legislation, focus on:
- o Considering Councillor Calls for Action on crime and disorder matters
  - o Taking performance data regarding community safety issues from the LAA and National Indicator Set
  - o Establishing ad hoc panels to investigate C&D issues – with input from the Forum
  - o Taking updates from the Forum and requiring the Forum Chair to attend before it to answer questions
- 3.14 In order to ensure continuity between the two bodies and the free flow of information, it is suggested that the Chair of ECSOSC be a member of the Forum, with the Chair of the Forum invited to provide 6 monthly updates on its work to ECSOSC.
- 3.15 It is recommended that a review of the effectiveness of the new arrangements be included as part of the 12 month review of the constitution.

#### **4. CONSULTATION**

- 4.1 Consultation has taken place with the Leader of the Council, the Leader of the official opposition, the Cabinet Member for Community Affairs, Inclusion and Internal Relations, and the Chair of ECSOSC. Judith Macho, Assistant Director Public Safety, and Linda Beanlands, Head of Community Safety, have also been consulted.

A short presentation on the proposals was given to the Responsible Authorities Partnership / Drug and Alcohol Action Team meeting on 27 March 2009, and questions and comments invited.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The current proposal does not entail any change to the administration of the Community Safety Forum, and hence no additional or reduced operating costs. The work of the Environment and Community Safety O & S Committee may increase slightly as a result of undertaking functions required of the Crime and Disorder Committee, which may require a small amount of additional support and administration from the Overview and Scrutiny team. Any associated costs will be assessed once the CDC is up and running.

*Finance Officer Consulted: Anne Silley*

*Date: 30 March 2009*

##### Legal Implications:

- 5.2 These are covered in the body of the report. Definitive regulations on the exercise of section 19 are expected by 30 April 2009. If these are materially different from the version seen in draft (and used as the basis for this report), officers will notify members accordingly.

There are no specific issues relevant to the Human Rights Act arising from the report.

*Lawyer Consulted: Oliver Dixon*

*Date: 30 March 2009*

Equalities Implications:

- 5.3 Under the proposals, all community representatives who currently attend meetings of the Forum can continue to do so. Further, as indicated in 3.10 above, even if they are not members or co-optees of the CDC, they may attend CDC meetings to listen to and observe proceedings.

Sustainability Implications:

- 5.4 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 5.5 The purpose of CDCs is to increase the accountability of those bodies responsible for tackling crime and disorder in the local authority area. The statutory requirement on these bodies to respond to reports and recommendations of the CDC and to have regard to their content in exercising their functions should ensure that their actions are more closely aligned to the crime and disorder issues raised by members on behalf of their constituents.

Risk and Opportunity Management Implications:

- 5.6 The risk inherent in operating two bodies with potentially overlapping agendas is addressed in 3.8 above

Corporate / Citywide Implications:

- 5.7 Establishing a CDC engages two of the Council's corporate priorities: fair enforcement of the law; and open and effective city leadership.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

1. Draft protocol

### **Documents In Members' Rooms**

1. None

**Background Documents**

1. None

### **Suggested protocol on relationship between the Community Safety Forum and the Environment and Community Safety Overview and Scrutiny Committee (Designated as the Crime and Disorder Committee)**

As provided for under the Council's constitution, the Environment and Community Safety Overview and Scrutiny Committee (ECSOSC) is designated the Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006 ('the Act').

It is recognised that the Community Safety Forum ('the Forum') is in a position to resolve many of the crime and disorder issues that members will wish to raise.

Members wishing to raise a crime and disorder issue should direct the matter in the first instance to the Forum.

The ECSOSC will, when crime and disorder matters are referred to it without first being presented to the Forum, note them and refer them to the next appropriate meeting of the Forum.

In fulfilment of its role as CDC, the ECSOSC shall meet to review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than twice in every twelve month period. ECSOSC shall perform this role after considering:

- A six monthly update from the Chair of the Forum on its work
- LAA performance data on community safety issues

The ECSOSC shall also:

- Deal with any Councillor Call for Action that has already been to the Forum but remains unresolved
- Consider whether, following input from the Forum, to establish an ad hoc panel on a crime and disorder matter

Nothing in this protocol prevents a Member from raising issues directly at the ECSOSC in accordance with section 19 of the Act. It does, however, provide guidance to allow the most efficient and effective resolution of crime, disorder and community safety issues.



**Extract from Home Office Guidance for the Scrutiny of Crime and Disorder Matters**

**Section 3 – Detailed guidance on sections 19 and 20 of the Police and Justice Act and the Regulations**

**1. Committee structures**

- 1.1 Section 19** of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 (the Regulations) complement the provisions under section 19.
- 1.2 The terms of reference of the committee are to scrutinise the work of the community safety partnership and the partners who comprise it, **insofar as their activities relate to the partnership itself**. These partners are listed in section 1.
- 1.3 It will be up to each authority – along with its partners - to decide on the best way to put procedures in place for these new scrutiny powers.
- 1.4 The Act and the Regulations do not require councils to alter existing committee structures. There must, however, be a formal place where community safety matters can be discussed. The crime and disorder scrutiny role could be undertaken by:
- a dedicated crime and disorder overview and scrutiny committee (or Sub-Committee) This may be required where there is specific demand – for example, in the case of larger authorities or those councils with a well developed system of subject-based sub-committees; or
  - the main overview and scrutiny committee, in those authorities which only have one or two scrutiny committees. The committee could establish task and finish groups with the specific remit to deal with crime and disorder scrutiny matters, while retaining the ultimate responsibility to look at community safety issues. A small group of Members with a specific remit to scrutinise these crime and disorder issues would enable the Members to focus/specialise on those issues and provide effective scrutiny of crime and disorder matters. The use of small task and finish groups of this type could prove to be an effective technique where local authorities and their partners would rather not use a formal committee for the discussion of all community safety issues.

## **2 Role of the committee**

2.3 Whether you are a councillor or a partner, you will find that scrutiny work is more effective where it focuses on a policy issue, rather than on a single organisation. This is why the legislation gives powers to scrutinise the CDRP, rather than the partners – this supports a focus based on policy and finding solutions.

2.4 Focusing on policy :

- gives the partners the reassurance that the crime and disorder scrutiny committee is there to ensure that the community safety partnership is accountable and its performance is improved, rather than just 'having a go' at the partners;
- emphasises the fact that scrutiny is focused on improvement, on enhancing the performance of existing services, and on a constructive examination of the priorities of the partnership; and
- means that there is wider scope for the committee, or group of members, to cut across organisational boundaries over the course of their investigation.

The role of the committee in whichever form it is applied should be as a 'critical friend' of the community safety partnership, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level.

At a basic level, the role of the committee is to do the following:

- to consider Councillor Calls for Action that arise through the council's existing CCfA process. Detailed guidance on CCfA has already been issued. Although the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007 put in place CCfA provisions for community safety and for other local government matters respectively, local authorities should ensure that their procedures for all CCfAs are the same, to minimise unnecessary bureaucracy.
- to consider actions undertaken by the responsible authorities on the community safety partnership; and
- make reports or recommendations to the local authority with regard to those functions. In practice, the nature of the committee and its work should mean that recommendations will be directly for responsible partners as well. We will discuss this issue later in this section.

2.5 The committee should include in its work programme a list of issues which it needs to cover during the year. This should be agreed in consultation with the relevant partners on the community safety partnership and reflect local community need.

- 2.6 Councillor Call for Action (CCfA)** for both local government matters and for crime and disorder matters came into force in April 2009. CCfA gives councillors a new right to raise matters of local concern with their council's overview and scrutiny committee. Overview and scrutiny committees can then decide whether to use their powers to investigate the issue.
- 2.7 There are a range of options available to committees in considering how to respond. They could, for example, instigate a review of policy, call members and officers to attend a meeting, and answer questions or make recommendations to the executive. They can even require the executive to review a decision that it has made.
- 2.8 CCfA is therefore a valuable tool in equipping councillors to act as powerful advocates for the communities they serve and to strengthen still further their role as community champions. Councillors will of course continue to resolve issues informally, as they do now. But where they are not satisfied that real action has been taken to resolve the issue they have raised, they have the ability to ask the overview and scrutiny committee to take the matter further.
- 2.9 The crime and disorder CCfA will be an important tool for community safety partnerships to work together to resolve crime and disorder problems, in a forum which is open to the public. It should therefore boost public confidence that police and local authorities are acting on crime and anti-social behaviour issues.
- 2.10 More information on CCfA can be found in the IDeA and CfPS Best Practice Guide <http://www.idea.gov.uk/idk/core/page.do?pageId=9410176>

## **Protocols**

- 2.11 Throughout this section we suggest that partners and the scrutiny function at the local authority (or local authorities) might want to consider developing a short, flexible and meaningful protocol which lays down the mutual expectations of scrutiny members and partners of the community safety scrutiny process. This could well enable you to embed the committee's work programme more effectively within its core purpose. Certainly, getting the work programme right will be crucial to the success of the scrutiny process for community safety.
- 2.12 If you are thinking of developing a protocol, do remember that it should be a means to an end – a method of improving the relationship between the scrutiny function and its partners. It is not a legal document setting down minimum standards or something which you are required to “comply” with. The example below, of Haringey, illustrates the point of meaningful joint working, and of the virtues of seeking to build real relationships.

## **Building relationships with community safety**

**2.13 The London Borough of Haringey** has been doing in-depth reviews of community safety for many years, and has a strong relationship with community safety partners. Building that relationship for them was all about people.

Firstly, the council community safety team sat across the corridor, and they built informal relationships as officers. Secondly, the cabinet member for community safety was once a scrutiny chair, and she acted as an advocate for scrutiny, suggesting ways that they could get involved and support what partners were doing. Thirdly, the police seconded an officer to work in the council for several years so the scrutiny function was able to build relationships with a familiar face. These opportunities enable the scrutiny function to build a reputation for being an independent voice. Partnerships can have their own tensions, and partners in Haringey learned that scrutiny could moderate between different views and carry out genuinely useful work that partners valued, supporting policy formulation and facilitating a community response.

2.14 Their workstreams included:

- Anti-social behaviour – this was successful because it was deliberately timed to fit with a strategy the partnership was writing and could therefore feed into the strategy directly;
- CCTV – the partnership requested the scrutiny functions help as part of a wider review of CCTV, and even provided funding to engage Leicester University for expert advice; and
- street prostitution – this review also used a well-known criminologist, and it was so well regarded that Haringey’s scrutiny function was later called as a witness by the London Assembly during their own review of the topic across London

Your contact for more information:

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## **3 Frequency of meetings**

3.1 The regulations leave the frequency of meetings to local discretion, subject to the minimum requirement of once a year. If a local authority decides to undertake “set piece” community safety scrutiny only once a year, this annual meeting could be in the form of an event looking at crime and disorder matters and discussing which crime and disorder matters should be considered in the next municipal year as matters of local concern.

## Two-tier scrutiny

- 3.2 We touched briefly on issues of two-tier scrutiny in Section 2, but this section goes into more detail on the practicalities. The requirements under sections 19 of the Police and Justice Act and the Regulations will apply to both county and district local authorities. Whilst it will be for each local authority to decide how it will implement crime and disorder scrutiny, it makes sense that both tiers work together as far as possible to avoid any duplication. As explained in Section 2, above, districts and counties should consider developing a joint approach for looking at community safety issues that cut across organisational boundaries.

## Joint crime and disorder committees

- 3.3 **Section 21** of the Police and Justice Act 2006 amends section 5 of the Crime and Disorder Act to enable the Secretary of State to make an order requiring councils to appoint a joint committee to carry out crime and disorder scrutiny functions. This will be used **where CDRP mergers have taken place**, so that responsible authorities and co-operating bodies are not required to answer to two or more separate crime and disorder committees. Otherwise, committees may find it beneficial to work together informally..
- 3.4 While a joint approach to crime and disorder scrutiny is beneficial, it should not be undertaken instead of scrutiny by individual local authorities at a district or county level, but should be used to complement that form of scrutiny. It should also be emphasised that it is quite possible to take advantage of many of the benefits of joint working merely through enhanced communication between neighbouring authorities and their relevant partners. For many authorities and their partners, joint arrangements may not be appropriate or desirable at present.

## 4 Co-option

- 4.1 The regulations allow crime and disorder committees to co-opt additional members to serve on the committee. These co-optees can be specialists in particular areas and can bring great value and expertise to the committee's work. Members can be co-opted in accordance with the Regulations, which allow a committee to co-opt additional persons provided that they are an employee, officer or member of a responsible authority or of a co-operating person or body and are not a member of the executive of the local authority.
- 4.2 The committee can decide whether they should have the right to vote. However, the decision to allow them to vote should be taken in accordance with any scheme in place under Schedule 1 to the Local

Government Act 2000. Membership can be limited to membership in respect of certain issues only. The council should take care to clarify the role of such a co-optee, who may be expected, as part of the committee, to hold his or her own organisation to account.

- 4.3 There is also a general power to include additional non voting members under section 21(10) LGA and paragraph 5 of Schedule 8 to the Police Justice Act.

### **Co-option and Schedule 1 to the Local Government Act 2000**

#### Co-option and police authorities

4.4 Police authorities occupy a unique position within the landscape of community safety partnerships. They have a clear, statutory role to hold to account the police.

4.5 In this context, it is vital that local authorities' community safety scrutiny complements this role. Local authorities should, in all instances, presume that the police authority should play an active part at committee when community safety matters are being discussed – and particularly when the police are to be present.

4.6 Local authorities should take the following steps to involve police authorities in work undertaken by their committees.

#### *Option 1*

4.7 One member of the crime and disorder committee should be a member of the police authority. We envisage this being the approach that will be adopted by most (but not necessarily all) counties and unitaries. However, there are a number of circumstances where this will not be possible. In many authorities (unitaries, counties and districts alike) there may be no member appropriate to sit on the committee in this capacity. The principal reasons would be:

- If the relevant local authority representative on the police authority is a member of the executive; or
- If the local authority has no direct member representation on the police authority. There are many areas for which this will be the case, given that most police authorities cover large areas but only have 9 local councillor members.

#### *Option 2*

4.8 The second option is for all other circumstances – covering most districts, and those counties and unitaries where having a police authority member on the committee will not be possible.

4.9 In these circumstances, a member of the police authority should be issued with a standing invitation to attend the committee as an “expert adviser”. Ideally this would be a police authority member, but subject to local agreement there may be some circumstances, and meetings, where a police authority officer would be more appropriate. For example, care will need to be taken when inviting police authority members to attend when they are also councillors.

4.10 Such an advisor would not be a formal member of the committee, but would be able to participate in committee discussion as an expert witness. Steps should also be taken to ensure that, where appropriate, the police authority have a direct input into the delivery of task and finish reviews that involve the police. The level of involvement in such work that is appropriate can be decided between the police authority and the local authority, the authorities delivering the work.

4.11 Agreement over these issues should – as we suggested at the beginning of this section – form part of a protocol between the local authority and its partners. This will allow for local differences, and for agreement over further methods of engagement and involvement – the sharing of work programmes and delivery of joint work pertaining to the police, for example.

4.12 The vital thing to remember is that clear and sustained engagement between the police authority and the local authority, as equals, will be necessary to make sure that their roles complement each other. This goes beyond attendance at committee, which should be treated as only one element of this engagement. These arrangements, and the unique relationship which is necessary between councils and police authorities, should not divert scrutiny bodies or their partners from the fact that the scrutiny of community safety is about much more than the police force and their activities, as we made clear in earlier sections.

### *Option 3*

4.13 The third option would be for committees to consider co-opting a police authority member onto the committee when policing matters are being considered, and it would be for the police authority to decide the most appropriate member to appoint – this can be an independent or councillor member. This would provide a more direct link between the police authority and overview and scrutiny committee and would be particularly relevant if the committee is considering matters directly relevant to policing.

### **To co-opt or not to co-opt...**

**4.14 Suffolk's Local Area Agreement Joint Scrutiny Panel** has adopted cooption as a new way to invigorate scrutiny and involve the community. The panel has appointed six Independent Community Members as permanent coopted scrutiny members with full voting rights. An advertising campaign was

held and applicants were put through a rigorous recruitment process. The roles are well-defined with both job specifications and person profiles. Though the roles were advertised in the media, the most effective marketing was through established networks of people already involved actively in the community.

4.15 The Independent Community Members are paid expenses but no salary, and are committed to six meetings a year. In practice, however, they are very enthusiastic and engaged and take part in a great deal more, including task and finish groups. The added dividend of these new faces has been a renewed interest and energy for scrutiny from existing councillors. An Independent Community Member was elected as Chairman by panel members.

4.16 The LAA Joint Scrutiny Panel, as well as involving the community, also links together relationships in a two-tier area. The panel has members from the county and each district and borough council in Suffolk, and is a forum which is an effective example of cooperation across the tiers.

**4.17 Cardiff City Council** uses expert witnesses to improve its scrutiny reviews. In November 2007 the council did a theme review of the structure in the council for delivering crime and disorder reduction. Cardiff regularly looks to bring in the highest profile experts possible for its theme reviews, such as Professor Michael Parkinson on competitiveness and Ben Page from Ipsos Mori on consultation. For this review they invited South Wales Police, Cardiff Local Health Board, the National Probation Service, Welsh Assembly Government and the Home Office to bring high-level expertise and enhance their understanding of wider issues.

Your contacts for more information:

Sue Morgan, Suffolk County Council, [sue.morgan@suffolk.gov.uk](mailto:sue.morgan@suffolk.gov.uk)

Richard Phillips, Cardiff City Council, [R.Phillips@cardiff.gov.uk](mailto:R.Phillips@cardiff.gov.uk)

## **SECTION 3**

### **5 Responding to requests**

Requests for information

5.1 As part of the crime and disorder scrutiny process, the relevant scrutiny committee will from time to time request for further information from the community safety partnership – performance information, for example. When asked, the partnership will be under a duty to provide this information. There is no specific timescale for this, but the committee can expect a response to be provided as soon as reasonably possible.

Timescales



5.2 Community safety partnerships will be obliged to respond to requests from committees within a reasonable time. The committee and the partnership may want to agree a certain timescale locally.

Partnerships should bear in mind the need for the information to be relevant to the committee's purposes. There is obviously little purpose in burying councillors beneath a morass of reports filled with technical jargon. This may provide you with an opportunity to reappraise how internal reports could be drafted in a more accessible style and made more widely publicly available. You could assign a named link officer in your organisation to liaise with the scrutiny committee, to ensure that communication is swift and effective, and that requests for information can be dealt with smoothly.

#### Information requests and data protection

5.3 The information provided by responsible authorities and co-operating bodies must be depersonalised, unless the identification of an individual is necessary or appropriate in order for the committee to properly exercise its powers. The information should also not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authority or co-operating body. In practice, it is unlikely that the committee which will need to receive reports relating to specific individuals, or where specific individuals are mentioned in respect of crime and disorder matters.

5.4 Schedule 12A of the Local Government Act 1972 should not be used as a method to bypass the requirement to depersonalise information by placing reports which are not depersonalised onto Part II of a committee agenda, as an item to be heard without the press or public present.

#### Making and responding to recommendations

5.5 If a committee drafts a report or recommendations which have an impact on community safety issues, the following should occur:

- Copies of the reports and recommendations should be sent to the such responsible authorities or co-operating bodies as are affected by the report or recommendations, or as otherwise appropriate in accordance with section 19(8) of the Police and Justice Act 2006;
- The relevant partner (or partners) should submit a response within a period of 28 days from the date the report or recommendations are submitted (or if this is not possible as soon as reasonably possible thereafter); and
- Following the receipt of the response, the committee will need to agree with the relevant partner(s) how progress in implementing the recommendations will be monitored.

5.6 As we have already suggested, a protocol might be helpful to define how these arrangements will work in practice. Such a protocol could well make provision for the scrutiny function to consult the partnership informally on a report, or recommendations, before the report is formally submitted. This consultation will make it more likely that recommendations, when they are formally made, are relevant and realistic.

5.7 With this provision there is a clear link between the Police and Justice Act and the Local Government and Public Involvement in Health Act, which also requires partners to respond to requests for information, and to respond to reports and recommendations made by an authority's scrutiny function. Section 19 of the Police and Justice Act complements these existing powers.

### **SECTION 3**

#### **6 Attending committee meetings**

6.1 From time to time, the committee may request the attendance of a representative of the partnership. It is often good practice for those attending to receive details of why they are attending such meetings.

6.2 If you are a community safety partner, and you receive such a request, you are obliged to send a representative to attend unless reasonable notice has not been given to the person of the intended date for the meeting. What is meant by "reasonable notice" is not clarified in the regulations or legislation and is something which could be defined in a local protocol on crime and disorder scrutiny as agreed by the committee and local partners.

6.3 You should not consider such an invitation as a threat. Instead, it is an opportunity for crime and disorder partners and the committee to discuss issues of mutual concern or to highlight positive work to help reduce crime and disorder. The attendance of officers/employees can also help support local public scrutiny. It will generally be more appropriate for more senior employees/officers to attend, mainly because they are likely to have the general expertise to enable them to answer policy questions at the meeting itself.

6.4 Likewise, if you are a councillor, you should not consider the power to invite representatives of the partnership to attend to discuss community safety issues as a power that you can exercise without regard to the capacity constraints of the partners you are inviting, or the value they are likely to be able to add to a committee discussion.

**Environment and Community Safety Overview and Scrutiny Committee  
Draft Work Plan 2009 – 2010**

Issue	Overview & Scrutiny Activity	Outcome & Monitoring/Dates
<b>22 June 2009</b>		
Grass mowings; question from conservation groups	Consider question and officer briefing	
Night time economy	Overview with representatives of Sussex Police, taxi and licensed trades.	
Draft waste management strategy	Pre-decision policy development	
SPD London Road Joint Scrutiny Workshop	Noting comments from the workshop that were taken forward to Cabinet Member meeting	
Crime and Disorder Committees	Noting ECSOSC responsibilities as a Crime and Disorder Committee	
ECSOSC Draft Work Plan	For discussion and monitoring	

Issue	Overview & Scrutiny Activity	Outcome & Monitoring/Dates
<b>14 September 2009</b>		
Performance reporting; Full Summary for 2008/2009	Noting last year's performance	
Local Development Framework - Shoreham Harbour Joint Area Action Plan; preferred options for consultation	Commenting on preferred options for consultation	
East Sussex and Brighton & Hove Waste and Minerals Core Strategy: Draft Preferred Strategy Document for Consultation		
Scoping report on key issues for in-depth scrutiny		
<b>9 November 2009</b>		
Report from Community Safety Forum		

<b>Issue</b>	<b>Overview &amp; Scrutiny Activity</b>	<b>Outcome &amp; Monitoring/Dates</b>
Joint working with Executive - Cabinet Member Councillor Geoffrey Theobald invited for discussion		
Local Development Framework – Brighton and Hove Core Strategy	Considering LDF Core Strategy	
Older People and Community Safety – report of the scrutiny panel	Receiving report of findings and recommendations for endorsement	
<b>8 February 2010</b>		

Performance reporting – third quarter

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Issue	Overview & Scrutiny Activity	Outcome & Monitoring/Dates
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19 April 2010		
Report from Community Safety Forum		
East Sussex and Brighton & Hove Waste and Minerals Core Strategy		

Plus other matters to be scheduled including:  
Roadworks