BRIGHTON & HOVE CITY COUNCIL

ECONOMIC DEVELOPMENT & CULTURE COMMITTEE

4.00pm 9 MARCH 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

Present: Councillor Robins (Chair), Cattell (Deputy Chair), Nemeth (Opposition Spokesperson), Druitt (Group Spokesperson), Greenbaum, Peltzer Dunn, Morris, Allen, O'Quinn and C Theobald

PART ONE

54 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

54.1 There were none.

(b) Declarations of Interest

54.2 There were none.

(c) Exclusion of Press and Public

54.3 There were no Part Two items listed on the agenda.

55 MINUTES

55.1 The Democratic Services Manager noted that an updated version of the minutes had been circulated with the addendum, which made changes to paragraph 42.1.

55.2 Councillor Druitt noted that 41.2 should be corrected to read *Big* rather than Bug.

55.3 **RESOLVED –** That, with the above change, the Chair be authorised to sign the minutes of the meeting held on 12 January 2017 as a correct record.

56 CHAIR'S COMMUNICATIONS

56.1 The Chair gave the following communications:

"I attended two events during Explore GB that the city hosted on the 2nd and 3rd March. Explore GB is VisitBritain's flagship which event provides tourism suppliers and destinations with an invaluable opportunity to meet and do business in the City. 350

international travel buyers from over 40 countries attended. The city gave a great welcome and feedback from both the delegates and from Visit Britain has been very positive. Explore GB provided a unique opportunity to grow our visitor economy through direct engagement with an international audience of travel buyers.

At the beginning of last month I met with Anne Martin who is the new chair of the Tourism Alliance. Anne is the Managing Director of the Palace Pier. I'm looking forward to working more closely with Anne and the Tourism Alliance over the coming months.

I also attended a vibrant and interesting meeting of the Hove Business Association at the Hove Museum.

Launch of the Brighton Festival and Brighton Fringe Festival 2017
Both the Brighton Festival and Brighton Fringe Festival were launched during February. Together, both Festivals which will take place during May form the largest celebration of music, theatre, dance, circus, art, film, literature, debate, outdoor and family events in England, and events take place in a whole range of venues across the city.

We are working with our partners to use the week to kick start the season and promote our local tourism economy.

Teams across the City Council are currently collaborating with our partners – the Tourism Alliance, the Business Improvement District, Brighton & Hove Hotels Association, and Hove Business Partnership on a programme of events throughout the week. I have agreed to represent the City Council at an event celebrating the start of English Tourism Week being held at the Palace Pier on 27th March to celebrate all things Brighton."

57 CALL OVER

57.1 All items on the agenda were reserved for discussion.

58 PUBLIC INVOLVEMENT

58.1 The Chair noted there was one public question, and asked Alison Lewis to come forward and put her question to the Committee.

58.2 Ms Lewis asked: 'Following last year's replacement of the fencing around Preston Park velodrome, and ongoing issues this year with leaves, moss, and a dangerous crack along the middle of the track, can the Committee please confirm arrangements for the ongoing upkeep and maintenance of the cycle track?'

58.3 The Chair replied: 'Cityparks will sweep the track with a mechanical sweeper weekly in the summer season and monthly in the winter season, in addition the moss on the track will be treated once per year. Should faults develop in the fabric of the track surface or fence property service will endeavour to find money from within the budget for reactive maintenance in parks and liaise with British Cycling on a suitable specification for the work to avoid inappropriate repairs.

With regard to the crack in the surface Property Services have allocated a provisional sum to fill this and subject to British Cycling's approval of the proposed fill material will engage contractors to carry this out within the next two months.'

58.4 By way of a supplementary question Ms Lewis asked: 'Will the remaining s106 money referred to in September 2015 be used for future projects on the velodrome and its users?'

58.5 The Chair explained that a full written response would be sent after the meeting, and included in the minutes as set out below:

'The money is allocated to public recreation sports facilities in Prince Regent and/or Preston Park. No decision has been made on which sport will benefit from it but it could be one of the other sports in the park or it could go to the Prince Regent.

The areas that the money can be spent on and the timescale in which it must be spent are decided as part of the planning process and included in the s106 Agreement. In this instance this contribution has to be spent by July 2018. On occasion there is some flexibility within the Planning Committee's decision in this situation priority will be given to objectives set out in the Council's strategies and opportunities to draw in external funding. Any major spending is discussed with Ward Councillors and, in the case of sport spend, representatives of the sport as well as Officers delivering that service provision.'

59.6 The Chair noted there were no further items listed under Public Involvement.

59 MEMBER INVOLVEMENT

59.1 The Chair noted there were nine written questions listed on the agenda.

HMOs and the Article 4 Area

59.2 Councillor Hill asked: "Given the increasing number of refusals for HMO use in the Lewes Road Article 4 area, and the fact that some developers will continue to operate against policy until enforcement action is taken, can the council confirm that all refusals of retrospective change of use applications are actioned by the Planning Enforcement team, and provide evidence of this?"

59.3 The Chair provided the following written response: "The Enforcement Team are treating unauthorised HMOs as a priority.

All retrospective HMO planning applications that are refused are referred to the Enforcement Team and are given 28 days to appeal against the decision or cease use as unauthorised HMO. If this is not done an enforcement notice is served.

There are currently 98 live HMO enforcement cases. Of these, approximately 47 are awaiting planning applications to be decided; 12 have notices issued; and 7 are in the appeal process. Four of the 12 notices issued since October 2016 have been as a consequence of an application being refused."

59.4 By way of a supplementary Councillor Hill asked if a progress report could be brought to the Committee in 6 months.

59.5 The Chair agreed to do this.

Tourist Boards in Hove

59.6 Councillor Nemeth asked: "Will the Chair commit to pursuing the restoration of the dishevelled American Express tourist boards around Hove that detail the history of the town?"

59.7 The Chair provided the following written response: "Thank you for raising this. I have asked officers to look into how these boards can been updated and refurbished and report back to a future Committee."

59.8 By way of a supplementary Councillor Nemeth asked for confirmation that American Express would be contacted as part of this work.

59.9 The Chair deferred to Officers who explained that sponsorship would be one of the options pursued.

Planning Applications with Outstanding Conditions

59.10 Councillor Nemeth asked: "Will the Chair detail the number of planning applications with conditions still outstanding, and provide figures for equivalent dates in 2015 and 2013 (or similar periods to suit the way in which such matters are recorded)?"

59.11 The Chair provided the following written response: "The number of applications for approval of conditions that are currently in hand is 142 (of these two are out of time) out of a total of 436 for the year so far. The overall performance figure for 2016/17 on approval of conditions within 8 weeks is 42.5%. In terms of comparative data, in 2015/16 there were a total of 463 applications for approval of details and 45% were determined within eight weeks. For the period 2013/14 there were 386 and 53% were determined within 8 weeks.

The speed of performance on conditions applications reflects the need to focus resources on planning application decisions (in 2015/16/17); the increase in volume of conditions applications; and to allow applicants to amend details to allow the approval of conditions."

59.12 By way of supplementary Councillor Nemeth asked for further information in relation to why the percentage of applications with outstanding conditions had decreased since May 2015

59.13 The Chair deferred to the Deputy Chair, who explained this context was given in the answer, and related to additional resources being used to clear the backlog of planning applications.

Breaches of s106 Expenditure Deadlines

59.14 Councillor Peltzer Dunn asked: "Will the Chairman state how many times Section 106 expenditure deadlines been breached since May 2015 and how much unspent cash has been returned to applicants?"

59.15 The Chair provided the following written response: "Since May 2015 there has been only one breach of expenditure deadline which has occurred (this is out of a total of on average of 120 individual payments under all applications per annum). This related to the development of Falmer Station (University Sussex - student accommodation granted September 2004). This resulted in repayment of an unspent Public Art sum of £40,000 in August 2016. The main reason for the sum not being spent within time was the loss of Public Art staff resources to support the project (officer left late 2014).

The two other s106 payments that were refunded to payees were due to the consents not being implemented and the planning permission lapsed. Therefore the council was not legally entitled to retain and spend the contribution and the funds had to be repaid."

59.16 By way of a supplementary Councillor Peltzer Dunn asked for clarification that s106 monies could not be spent until schemes were implemented.

59.17 The Chair deferred to Officers, and it was confirmed that this was correct.

Kind Alfred Redevelopment Timetable

59.18 Councillor Nemeth asked: "When was the Chair informed of the King Alfred timetable slipping by one year and what did he do to inform Councillors and the public?"

59.19 The Chair provided the following written response: "Members of the Committee will be aware that each of the previous 'Major Projects Update Reports' to this committee, a standing item on the agenda, has included an update on the King Alfred project. These included a revised, and still indicative programme reflecting the ongoing nature of discussions. Providing an overview of progress towards delivery of the council's major development projects is the primary purpose of the 'Major Projects Update Report'. In relation to the King Alfred, the report has, on each occasion, advised of the project's status together with an indication of when a detailed report to the Policy Resources & Growth Committee is anticipated.

The original timetable for delivery of the King Alfred project, as set out in the January 2016 report to the Policy & Resources Committee, was clearly stated as being indicative. Having made initial good progress, it was then necessary to extend the programme, in order to allow additional time to conclude a host of complex legal and financial arrangements; work that is ongoing."

59.20 By way of supplementary Councillor Nemeth noted that update was reported through the Major Projects update on the agenda, and asked if the Chair was of the view that just updating the date in the document was sufficient given the scale of the project

59.21 The Chair replied that information on dates, in relation to major projects, was only ever indicative.

Letter to Tenants at the Kind Alfred

59.22 Councillor Nemeth asked: "Will the Chair provide a copy of the update letter that he agreed to send on 12th January 2016 to all tenants and clubs at the King Alfred, along with a list of all recipients?"

59.23 The Chair provided the following written response: "A copy of the letter and the list of over 60 groups that received the letter will be provided."

59.24 By way of supplementary Councillor Nemeth asked why no specific date was given on the letter, only the month.

59.25 The Chair deferred to Officers and it was explained that the date was provided as 'February 2017' as the letter was delivered throughout the month in different ways to the various parties.

s106 Art Project at Hove Lagoon

59.26 Councillor Peltzer Dunn asked: "Will the Chair explain how £38,000 of Section 106 cash came to be allocated to an art project at Hove Lagoon without any consultation with either the ward Councillors, the Friends of Hove Lagoon or the Kingsway & West Hove Residents Association?"

59.27 The Chair provided the following written response: "This is a Public Art contribution received from the new build, mixed-use employment redevelopment of Travis Perkins site Baltic Wharf Wellington Road Portslade. The planning application was determined at planning committee in December 2007 and planning permission was issued in September 2008 following the signing of the legal agreement. The contribution was originally identified towards the joint gateway area with the Shoreham Harbour project but subsequent planning permission for further development in the area that included the site for the proposed art works required re-allocation of the contribution. It was moved to land between Wharf Road and Wellington Road as part of an art component of public realm improvements. The funds secured are required to be spent by December 2018.

In terms of taking this forward, officers are liaising to gather expressions of interest from local artists. You can be assured that officers will also engage with ward Councillors, residents and amenity groups on any proposals that come forward.

The public art contribution was one of a number of developer contributions secured on the Travis Perkins site and set out in the legal agreement. These include the developer undertaking highways improvement works to the value of nearly £84,000 plus payment to the council of commuted sums for maintenance. In terms of how these are identified, national policy requires that developer contributions go towards improvements in the vicinity of the development; and public art/public realm improvements were secured in accordance with planning policy requirements."

59.28 By way of supplementary Councillor Peltzer Dunn asked that the Chair undertake to ensure these monies were used properly.

59.29 The Chair deferred to Officers who noted that Planning Committee reports usually specified how s106 monies were to be spent, and they agreed to look into the matter after the meeting.

Meetings with Local Architects

59.30 Councillor C. Theobald asked: "What meetings has the Chair held during his tenure to date with local architects?"

59.31 The Chair provided the following written response: "It is important that there are open lines of communication between the council and the development community, and this is something that is in place under this administration as under previous administrations, and goes forward in the usual manner through regular meetings and communications.

This allows the development community, which includes architects, planning consultants and developers, to raise any general issues that are significant, and also allows the development community to in turn be aware of improvement programmes at the council. It ensures that issues are shared, rather than priorities influenced by side issues or issues that are of concern to particular individuals rather than the community as a whole.

A key meeting that takes place is the Professional's Forum, and since May 2015 Cllr Cattell, as Lead Member for Planning and Deputy on this committee, has attended all these meetings, the next one of which is on 21st March. Cllr Cattell also routinely meets architects at Planning Committee, Pre-Application presentations, Design Panel presentations and outside events such as those organised by the Brighton and Hove Chamber of Commerce. In addition, she responds to architects and other development professionals who contact her."

59.32 By way of supplementary Councillor C. Theobald asked for confirmation that the Chair had held no meetings.

59.33 The Chair clarified that he had not, but the Deputy Chair had had many such meetings in her capacity as the Lead Member for Planning.

Information in Relation to Libraries

59.34 Councillor Nemeth asked: "Will the Chair explain when he first discovered that incorrect information had been given to the public by the Administration about local library closures and what specifically he did do to rectify the situation?"

59.35 The Chair provided the following written response: "No incorrect information was given by the Administration about local library closures. Information was consistent with officer reports."

59.36 By way of supplementary Councillor Nemeth repeated his initial question.

59.37 The Chair declined to answer.

59.38 The Chair noted there were no further items listed under Member Involvement.

60 SUPPORTING A VIBRANT TOURIST ECONOMY

60.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in relation to Supporting a Vibrant Tourist Economy. The report provided the Committee with background information on the tourism economy in Brighton & Hove and the work of VisitBrighton to support and drive a vibrant tourist economy in the city. The report also recommended that Officers undertake a review of the city's tourism strategy and develop a new Tourism Strategy alongside the review of the City's Economic Strategy. The Executive Director also gave a short presentation.

60.2 The Chair noted that he had been in attendance at the recent Visit England event, and praised how good it had been.

60.3 Councillor Morris also praised this event, and asked for specific breakdown of overseas visitors; Officers agreed to provide this information after the meeting.

60.4 Councillor Peltzer Dunn noted the high quality of the tourism brochure that had been circulated to the Committee. He noted the difficulty of predicting tourist activity and welcomed the approach taken to adopt a six year strategy. He went on to suggest that the policy be drafted in such a way that it could be amended if necessary, the Chair welcomed this approach.

60.5 In response to a series of questions from Councillor Druitt the following was explained. Officers were engaging with businesses that would be affected by the changes to business rates; advice was given on how they could have make appeals to the Valuation Office Agency (VOA). It was difficult to accurately assess the impact of Brexit on the local visitor economy, but the city would need to respond positively in this competitive market and ensure it retained a global visitor market. Infrastructure needed to keep up with the growth in the local economy, and the Environment, Transport & Sustainability (ETS) Committee was looking at smarter and better ways to do things including intelligent transport systems and LED lighting. In relation to fly tipping the ETS Committee had considered reports in relation to enforcement; this included using CCTV to catch those committing the crime.

60.6 In response to Councillor Greenbaum it was confirmed that the Council was working with other national tourist organisations to lobby government to argue that the impacts on the tourist economy were thought through during Brexit negotiations.

60.7 In response to Councillor Allen it was agreed that a report could be brought to the next meeting to consider the impact of changes to business rates on the tourist economy.

60.8 Councillor C. Theobald welcomed the success of cultural festivals in the city; however, she noted the fall in the number visiting Council museums since the introduction of charges.

60.9 The Chair put the recommendations to the vote.

60.10 **RESOLVED -** That the Committee note the work undertaken to support a vibrant tourism economy in the City and agrees that officers develop a new Tourism Strategy for the City alongside the development of the City's new Economic Strategy.

61 DEVELOPING A NEW STRATEGIC FRAMEWORK FOR ARTS & CULTURE IN THE CITY

61.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in the relation to Developing a new Strategic Framework for Arts & Culture in the City. The report updated the Committee on work being undertaken with the Arts & Creative Industries Commission to develop a new Strategic Framework for Arts & Culture in the City with the aim of supporting the regionally important cultural economy.

61.2 Councillor Peltzer Dunn suggested that the length of this policy should also be for six years as it was linked closely to the previous item; Officers agreed that they would align the policy as suggested.

61.3 In response to Councillor Morris, Officers acknowledged that it was always important to learn from other cities; it was noted that a program manager had recently been appointed – whilst a visit to Bristol could be undertaken there were other means to carry out this learning digitally and through discussion.

61.4 In response to Councillor Allen it was explained that the strategy was expected to be a short document and would seek to guide partners. It was important to raise the profile of arts and culture in the city and work with partners to do this – the work to develop the new strategy would be undertaken with the Arts & Creative Industry Commission, who were key in terms of the governance of the work.

61.5 In response to Councillor O'Quinn it was clarified that a balance would be sought between the direction of this work and where the funding opportunities were – in particular as the government were looking to work on a regional approach which was a factor in the success of Greater Brighton.

61.6 In response to Councillor Greenbaum it was agreed that the timetable to undertake this work was ambitious; however, the Commission wanted the work to move quickly and had agreed additional meetings.

61.7 In response to Councillor Druitt it was noted that since the resignation of the previous Assistant Chief Executive (with responsibility for arts and culture) work had been undertaken to strengthen the prominence of culture in the structure of the authority, and this was highlighted in the name of the relevant directorate. An appointment had now been made to the vacant post, and links were also being sought through the new Health & Adult Services Director whom had a background in culture.

61.8 The Chair then put the recommendations to the vote.

61.9 **RESOLVED -** That the Committee agrees that the City Council works with the Arts & Creative Industries Commission to develop a new Strategic Framework for Arts & Culture in the City.

62 HOUSES OF MULTIPLE OCCUPATION - RESPONSE TO MATTERS RAISED AT FULL COUNCIL

62.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in relation to Houses of Multiple Occupation - Response to matters raised at full Council. This report considered the matters raised at full Council on 20 October 2016 following the submission of a petition on behalf of 'Family Homes Not HMOs, namely that: The City Plan Part One be reviewed to increase the area of restriction from 50 metres to 150 metres where applications for conversion to HMOs will be rejected if more than 5% of current dwellings are already HMOs; consideration be given to the extension of the current Article 4 Direction area and options to further extend the licensing of private rented housing; and consideration be given as to whether to better align the Planning and Licensing functions in relation to HMOs and learn from other university towns as to more effective management of student HMOs and to request a report on this matter to its next meeting. This report set out the Officer response to these issues.

62.2 The Committee agreed to defer the report to the next meeting to allow further options to be provided for consideration.

62.3 **RESOLVED –** That the report be deferred.

63 S106 DEVELOPER CONTRIBUTIONS TECHNICAL GUIDANCE - UPDATE

63.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in relation to s106 Developer Contributions Technical Guidance – Update. The report further updated the Developer Contributions Technical Guidance that set out how and when Section 106 developer contributions were sought on new development proposals. The Technical Guidance approved by the Committee on 16 June 2016 (first approved by Cabinet 17 February 2011) now required further update to provide wider clarification and advice in respect of contributions sought for Affordable Housing and Local Employment.

63.2 In response to Councillor Morris it was explained that developers always had the option to challenge the level of contributions on the basis of viability, this was assessed by the District Valuer.

63.3 Councillor Nemeth noted that the Conservative Group could not support the report on the basis of the contributions for schemes with five to nine units.

63.4 In response to Councillor Allen it was explained that commuted sums were an option on sites of 10-13 units where it was not always practical to have one or two managed units. The policy was worded to be on sliding scale, such that, there was an expectation that on larger sites of 14 units or over the units would be provided on site; as you moved down the scale there was recognition that it was difficult to manage fewer units with a registered provider.

63.5 In response to Councillor Druitt the following was explained. Commuted sums could be used where management with impractical, and could be put towards Council owned housing; before a commuted sum route was agreed the Council would ask the developer to prove that the option to provide housing on the site had been explored in

full. Where developers were not able to achieve 40% affordable housing (as set out in policy) they had to undertake a vigorous, independently assessed process. Some authorities in London had moved towards disclosure of studies by the District Valuer a validation requirement; the Council was currently exploring this option.

63.6 Councillor Cattell noted the excellent work under by Planning Officers in relation to viability, and highlighted the difficulties of achieving rented, rather than shared ownership, units on a development with a small number of units.

63.7 Councillor Druitt proposed an additional recommendation that a report be brought to a future meeting on the work that had been undertaken in relation to mandatory disclosure of viability assessments.

63.8 The amendment was seconded by Councillor Greenbaum.

63.9 The Chair put the proposed amendment to the vote. It was **not carried**.

63.10 The Chair then put the recommendations to the vote. These were **carried**.

63.11 **RESOLVED:**

i) That the Committee approves the updated Developer Contributions Technical Guidance attached as Appendix 1.

ii) That the Committee authorises officers to annually update the figures within the Affordable Housing Schedule of Commuted Sums Payments in accordance with advice received from the District Valuer and allow this Schedule to be included as a separate Appendix in the updated Developer Contributions Technical Guidance and viewed via a webpage link within the main document.

64 OLD TOWN CONSERVATION AREA CHARACTER STATEMENT

64.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in relation to Old Town Conservation Area Character Statement. The report summarised the response to public consultation on the draft Old Town Conservation Area Character Statement and sought approval for the final document. The Character Statement sought to define the 'special architectural or historic interest' for which the area is designated. This helped to inform future planning decisions in the area and formed a sound basis for the area's future management.

64.2 In response to Councillor Nemeth it was clarified that work had been funded by the Coastal Revival Fund, and the CiC had attracted this funding.

64.3 In response to Councillor Morris it was confirmed that the boundary of the conservation area had not been changed.

64.4 Councillor C. Theobald highlighted the importance of renovating the hippodrome, and hoped the work would be progressed in the near future.

64.5 Councillor Druitt praised the report and the work that had been undertaken. In response to a question it was explained the character statement would assist in future development in the area, and provide guidance for any parties interested in the Hippodrome.

64.6 The Chair then put the recommendations to the vote.

64.7 **RESOLVED –** That the Old Town Conservation Area Character Statement be approved (Appendix 1).

65 MAJOR PROJECTS UPDATE

65.1 In response to questions the following information was given:

- The planning application for Preston Barracks had been submitted the previous month.
- Demolition had taken place at the Circus Street site.

66 ITEMS REFERRED FOR COUNCIL

66.1 There were no items referred to Council.

The meeting concluded at 6.43pm

Signed Chair

Dated this day of