

**BRIGHTON & HOVE CITY COUNCIL**

**TOURISM, DEVELOPMENT & CULTURE COMMITTEE**

**4.00pm 16 NOVEMBER 2017**

**HOVE TOWN HALL, COUNCIL CHAMBER - HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Robins (Chair)

**Also in attendance:** Councillor Cattell (Deputy Chair), Nemeth (Opposition Spokesperson), Druitt (Group Spokesperson), Allen, Mac Cafferty, Mears, Morris, O'Quinn and C Theobald

**Other Members present:** Councillors

**PART ONE**

**26 PROCEDURAL BUSINESS**

**26a Declarations of Substitutes**

26.1 There were none.

**26b Declarations of Interest**

26.2 Councillor Nemeth referred to the to the Brighton and Hove Big Screen event, Outdoor Events Madeira Drive, Road Closures 2018 (Item 32) and stating that he had occupied shared office space with the organisers. Confirming however that he did not have a prejudicial interest, remained of a neutral mind and would remain present at the meeting during consideration and determination of their application. Councillor C Theobald stated that she also a non-prejudicial interest in the same matter remained of a neutral mind and would remain present at the meeting during consideration and determination of their application.

26.3 Councillor Druitt stated that whilst the "Big Lemon" with which he was associated had sponsored/been involved with outdoor events Outdoor Events in Parks and Open Spaces 2018 (Item 33) in previous years that was not the case for 2018 and as such he did not have a prejudicial interest in any of the events referred to and would therefore remain present at the meeting during consideration determination of that item.

**26c Exclusion of Press and Public**

26.4 The Committee considered whether the press and public should be excluded from the meeting during consideration of any of the items listed on the agenda.

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

## 27 MINUTES

27.1 Councillor Nemeth stated that he wished details of his supplementary questions/queries and the responses to them to be included these are as set out below added:

### **Marlborough House**

27.2 In answer to further questions regarding action being taken it was explained that action was on-going and that a further update would be provided to Committee as soon as it was practicable to do so.

### **Effects of Graffiti**

27.3 Councillor Nemeth referred to the recent incidence of graffiti being carried out by “taggers” and the problems this caused. Whilst catching perpetrators could be problematic, there were limitations to what could be done, ie., removal from private property, this was taken very seriously and strategies were in place to seek to ensure that it was removed rapidly.

### **Sculpture Trail**

27.4 In answer to further questions on this matter, the Chair stated that this matter was looked at strategically and support was given to placement of sculpture(s) in locations where this was considered appropriate.

27.5 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 21 September 2017 as a correct record with the additional information set out above noted.

## 28 CHAIRS COMMUNICATIONS

28.1 The Chair gave the following communications:

### **Tourism & Venues**

28.2 Working with over 522 City partners engaged in tourism, in the last 3 months VisitBrighton had:

- Continued to promote and support the Save Madeira Terrace Campaign
- Hosted journalists that has resulted in coverage in: The Metro and The Telegraph
- Hosted 30 press trips for journalists notably including: Meetings & Incentive Travel Magazine (UK), Olive Magazine (UK), Good Things (UK), Living @ Home (Germany), Gay Guide (Canada) and Mafengwo (China)
- Seen 400,000 unique visits to visitbrighton.com
- Engaged with 56k followers on Twitter, 22k friend on Facebook and 8k followers on Instagram

- Handled 40 conference enquiries, confirming enquiries which will generate £2m on their arrival, most notably confirming:
  - National HIV Nurses Assoc Annual Congress – Oct 2018 – 400 delegates
  - Institute of Translating and Interpreting Annual Conference – May 2019 – 400 delegates
  - British Society of Immunology Annual Conference – Dec 2020 – 1000 delegates.

### **Living Wage Campaign**

28.3 Brighton & Hove City Council had a funding agreement with Brighton & Hove Chamber of Commerce to deliver the Living Wage Campaign in the City. Its aim was to support and encourage local businesses to voluntarily commit to paying their employees the Living Wage. The Brighton & Hove Living Wage Campaign had been launched in 2012 and the number of businesses in the City signed-up to the campaign had been growing year-on-year. The previous week had been Living Wage Week - which had provided a great opportunity to celebrate the success of the [Brighton & Hove Living Wage Campaign](#) and to raise its profile. [Over 350 businesses](#) had now signed up to the local campaign in Brighton & Hove. The Living Wage was set independently and calculated based on what people needed to live and calculated according to the cost of living in the UK. As part of the Living Wage Week 2017 activities, the new UK and London Living Wage rates for 2017/2018 had been announced. The new UK rate was an increase of 30 pence to **£8.75 per hour**. Current Living Wage employers had until 1<sup>st</sup> April 2018 to implement this new rate.

### **Festival of Learning Employer Award**

28.4 The previous evening, he had attended the award ceremony for the Festival of Learning Employer award for the Royal Pavilion and Museums (RPM) referred to at the last meeting of Committee meeting. The award celebrates businesses that have used learning proactively to develop and utilise the skills of their workforce to improve productivity, raise morale, increase staff retention and enhance their business performance. This workforce development programme at the RPM funded as part of the Arts Council funding pays to release front line staff to undertake different roles across the RPM.

### **Brighton Museum and Art Gallery**

28.5 He had also attended the opening for the House Biennial 2017 at Brighton Museum and Art Gallery recently. House Biennial in partnership with RPM had commissioned the artist Laura Ford to produce a sculptural installation 'A King's Appetite' which took inspiration from caricatures satirising the life of the Prince Regent and imagery from the pottery collections.

28.6 The coming weekend would see a major new exhibition opening at Brighton Museum and Art Gallery Gluck Art & Identity exploring the life and work of the 20<sup>th</sup> century artist, Gluck who was now also recognised as a trailblazer of gender fluidity. The coming weekend would also see the transformation of the Royal Pavilion for Christmas with

festive decorations and glittering trees. Dragons, birds, flower and toys were intended to bring sparkle, glamour and Christmas cheer for all the family.

28.7 **RESOLVED** – That the contents of the Chair’s Communications be received and noted.

## 29 CALL OVER

29.1 All items on the agenda were reserved for discussion.

## 30 PUBLIC INVOLVEMENT

### 30a Petitions

30.1 The Chair referred to the fact that a petition had been received which had been referred from the Council meeting held on 2 November 2017. Consideration of the petition had been deferred in order that further to the decision to consult on a preliminary charging schedule, the Committee could consider whether water fountains should be included as an option in the BHCC 123 Infrastructure list, as part of health care infrastructure provision, to enable the Community Infrastructure Levy (CIL) to be used as a possible means of funding water fountains.

30.2 The Chair, Councillor Robins explained that as CIL was currently out for consultation it was intended that this issue would form the subject of a report for consideration by the Committee following completion of that consultation process.

30.3 Councillor Mears asked if the report/officer presentation could include photographs illustrating different types of fountain for Members consideration. Councillor C Theobald asked that the report include a full assessment of potential options in order to guide members considerations as to whether they wished to include water fountains in the BHCC 123 Infrastructure list or not. It was confirmed that the officer report would address both of those points.

30.4 **RESOLVED** - That the contents of the petition be received and noted and that a report be brought back to a future Committee following completion of the CIL consultation process.

### 30b Written Questions

30.5 The Chair noted that one public question had been received from Mr Hawtree. The Chair invited Mr Hawtree to come forward and he put his question in the following terms: Mr Hawtree stated that on the previous occasion he had put a question to the Committee he considered that the response set out in the minutes did not reflect what had been said at the meeting. The Chair, Councillor Robins, responded that was not his recollection, but that the notes taken at the time would be checked and the necessary textual changes made if that was the case

“Would Councillor Robins please tell us what plans he has to fill the 38 General Fiction shelves which, at Hove’s nationally esteemed Carnegie Library, are currently either empty or given to a few face-on books?”

- 30.6 The Chair gave the following response: "Library staff have checked the fiction shelving and report that there are only 2 empty shelves, and 36 are face on display. There are 295 flat shelves with fiction books on them. Mr Hawtree may have visited Hove Library when staff were in the middle of moving stock around, during which time some more shelves would have been empty. Best professional practice in public libraries is to encourage book borrowing by presenting library books in an attractive way, using face on shelving as well as book displays. So it is a deliberate policy to have a reasonable percentage of fiction stock face-on. Accessibility guidance advises libraries to avoid putting books on high shelves, as these are difficult for many of our elderly or disabled library borrowers to reach.
- 30.7 By way of a supplementary question Mr Hawtree asked why, if that was so, on the way to the meeting he had observed that with the exception of crime fiction a number of empty spaces had been observed. The Chair, Councillor Robins stated that the figure cited by Mr Hawtree was commensurate with the explanation he had given.

### **30c Deputations**

- 30.8 There were none.

## **31 MEMBER INVOLVEMENT**

### **31a Written Questions**

- 31.1 The Chair noted that six questions had been received from Councillor Nemeth.

#### **Inclusion of Royal Pavilion Gardens on Historic England's "At Risk" Register**

- 31.2 Councillor Nemeth asked: "With regard to the inclusion of the Royal Pavilion Gardens on Historic England's 'at risk' register, will the Chairman explain why a spokesman for Brighton & Hove City Council made the following misleading statement?:

"Inclusion of the garden on the register is absolutely not a criticism of those responsible for it."

As a reminder, Andrew Brown, planning director for Historic England in the South East, stated: "To say it's not a criticism is to push the interpretation of being on the register to its extremes. It's not a straightforward criticism, but I would liken it to an amber light, to say if the council carries on the way it's going at the moment, it's going to harm the historic importance of the gardens. We're not trying to police them but to flag up the fact it's going in the wrong direction and to offer help."

- 31.3 The Chair provided the following written response: "The placing of the Royal Pavilion Gardens on the "at risk" register reflects Historic England's published view that "Pressure on public finances presents a challenge for many of our most celebrated public parks and cemeteries."

Historic England has been clear that caring for such important heritage sites is a significant challenge in the current climate, and may require more resources than can be found locally. The "at risk" register aims to highlight the need for agencies and communities to come together locally, regionally and nationally and Historic England

acknowledges that it is no criticism of any one administration, given that Councils do not have the resources to carry out large scale or long-term conservation. Historic England has assured us that this step is intended to raise the profile of the challenge of caring for such assets, and to help guide us in developing our Conservation Plan for the Gardens, and in seeking funding partnerships to protect and conserve the site long term by establishing it as a priority. We have already started this process, having appointed Sussex-based landscape specialists Chris Blandford Associates to prepare a Conservation Plan and 10 year Management Plan.”

- 31.4 Councillor Nemeth noted what had been said by the Chair and asked whether it would be possible that a report be provided to the next meeting of the Committee updating them on progress. The Chair responded stating that this matter was being addressed as a matter of urgency and the process was underway it was essential that the consultation process was carried out correctly. An update would be included in the standing Major Projects report and a stand-alone report provided as soon as it was practicable to do so, although this might not be possible for the January 2018 cycle.

### **Meeting of Chair With Sports Clubs**

- 31.5 Councillor Nemeth asked: “Will the Chairman detail which sports clubs he has met with in his capacity of Head of Sports for Brighton & Hove (a) this year and (b) since the last TDC meeting?”
- 31.6 The Chair provided the following written response:” The Head of Sport & Leisure meets regularly with the key organisations that provide sporting opportunities across the city including Freedom Leisure, Brighton University, Sussex University, Albion in the Community, Sussex Cricket Foundation and Active Sussex. In addition, meetings are held regularly with Governing Bodies of Sport such as the Sussex Football Association, Rugby Football Union and England Hockey who represent the interest of their member sports clubs. Furthermore, meetings are regularly held with individual clubs by a range of council officers on such matters as seeking to improve facilities or participate in events. While I discuss regularly key issues with the Head of Sport & Leisure, I am always willing to meet with clubs and organisations if they so wish.”
- 31.7 Councillor Nemeth noted the Chair’s response asking regarding arrangements in place to consult with smaller sports clubs who could be left feeling that they did not have a voice. It was explained that, whilst it was difficult to meet with individual groups, feedback received was taken on board. Officers meet with representatives from the bodies representing individual clubs/sports who were also included in any consultation exercises carried out.

### **Update on Planning Enforcement Situation**

- 31.8 Councillor Nemeth asked: “Will the Chairman provide an update on the planning enforcement situation at Marlborough House following the issue of recent enforcement notices, including that which expired on 6 November 2017.”
- 31.9 The Chair provided the following written response: The enforcement notice expired on Monday 6 November. A site visit took place on Wednesday 8 November and officers confirmed that works have not commenced to comply with the Listed Building

Enforcement Notice. Officers are currently liaising with the legal team to ascertain the action that should now be taken.”

31.10 Councillor Nemeth noted the Chair’s response, stating that he was pleased that issues relating to Marlborough House had been referred to as he was aware that there had been a long history of non-compliance in respect of that building in particular. Councillor Nemeth enquired whether the building remained in the same ownership and when it was anticipated that further action would be taken. It was confirmed that the building remained in the same ownership and that outstanding matters relating to the upkeep and maintenance of the building were being dealt with as a priority.

### **Decision to Change Tennis Courts in Hove Park Into Football Pitches**

31.11 Councillor Nemeth asked: “Will the Chairman detail his role in the recent decision by Brighton & Hove City Council to change tennis courts in Hove Park into football pitches?”

31.12 The Chair provided the following written response:” Hove Park is within the responsibilities of Cityparks and therefore Cllr Mitchell as the portfolio holder for Environment, Transport & Sustainability was consulted on the decision as well as ward councillors, Councillors Brown and Bennett. I was therefore not involved in this decision.”

31.13 Councillor Nemeth asked why this issue had not been before the Committee and Councillor Mears concurred in that view. It was explained that although there was some overlap responsibility for this lay with Environment, Transport and Sustainability Committee and it was important not to duplicate

### **Update on Figures for Open and Pending Planning Enforcement Cases**

31.10 Councillor Nemeth asked: ”Will the Chairman provide the latest figures for open and pending planning enforcement cases for (a) August, (b) September, (c) October and (d) November.”

31.11 The Chair provided the following written response: “The table below shows the enforcement case figures for received and closed cases and the total number of open cases for August, September and October. The figures for November are not yet available. The figures show an increase in on hand enforcement cases over the time period. This will be addressed through management of resources and an Enforcement Policy that will come before the Committee in January 2018.

	Cases Received	Cases Closed	Total Number of Cases as at the end of each month*	Number of cases waiting to be allocated
August	61	82	773	336
September	52	42	781	358
October	52	45	795	382

\* Includes cases allocated to officers and those waiting to be allocated.”

**Impact of Fly-tipping**

- 31.12 Councillor Nemeth asked: “Will the Chairman give his thoughts on the impact of Brighton & Hove’s current fly-tipping epidemic on tourism and detail which other tourist towns/cities he has studied for innovative ways to tackle this issue?”
- 31.13 The Chair provided the following written response: “The city council is one of the most active in the country for tackling flytipping. In figures collected by the Press Association, Brighton & Hove issued 276 fines to flytippers in the 12 months to May 2017, the fifth highest in the country. The council’s updated figures show that 618 fines have been issued to date compared with 196 last financial year.
- 31.14 Improving the environment is a priority for the city council and officers have been highlighting the environmental impact of all kinds of discarded waste, from dog poo to litter.
- 31.15 Enforcement has also been stepped up. Since March 2016 more than 5,000 fixed penalty notices were issued. Of these 594 were for flytipping, including 346 where businesses were using council owned bins to illegally dispose of waste. Fines for flytipping are set at £300.
- 31.16 On average we get about 160 flytips reported to us each month, not including those identified and cleared by our streets teams. The message is that those responsible will be fined and in extreme cases prosecuted.
- 31.17 Staff from the council’s Cityclean have highlighted the issue by putting ‘environmental crime’ tape round flytips. This is part of their ‘Crime not to Care’ campaign which has also involved community engagement and the installation of CCTV at known flytip ‘hotspots.’ Due to the increased awareness there was a big jump in reported flytips from 466 in the first quarter of the year to 776 from April to June.
- 31.18 This Committee agreed earlier this year that officers would develop a new Strategy for the city’s visitor economy, alongside the development of a new Economic Strategy for the city and a new strategy for Arts & Culture. Progress on the development of these strategies will be reported to the committee in the New Year. In all cases, officers are seeking to learn from other cities nationally and internationally to ensure that Brighton & Hove remains competitive as a visitor destination both nationally and internationally.”
- 31.19 Councillor Nemeth asked a further question requesting details of the other cities which were used as benchmarks/models by this authority stating that he did not consider that Eastbourne and Worthing were comparable authorities and was of the view that London, Blackpool or Margate would be more appropriate, he hoped that could be addressed prior to implementation of any new strategy.

**32 OUTDOOR EVENTS - MADEIRA DRIVE CLOSURES 2018**

- 32.1 The Committee considered a report of the Executive Director for Economy, Environment and Culture seeking approval for landlord’s consent of the proposed programme of events on Madeira Drive in 2018 and the associated road closures.



32.2 The Chair, Councillor Robins, noted that the following amendments had been put forward by the Green Group, proposed by Councillor Druitt and seconded by Councillor Mac Cafferty as set out below:

“To amend the recommendation 2.2 and insert new recommendations 2.3 and 2.4 as shown below in ***bold italics***;

2.2 That the committee authorises officers to enter into formal agreements with event organisers ***on the current event schedule*** to determine conditions, fees and levels of support as appropriate ***in accordance with the terms of the council’s existing Outdoor Events Policy***

***2.3 That the committee requests officers to report back on formal agreements on a bi-annual basis, including:***

- ***compliance with the outdoor events policy and other BHCC corporate commitments as they affect;***
- ***communities such as licensing and environmental health;***
- ***quality and nature of any feedback received from the public***
- ***details on fees and charges levied in each circumstance and the rationale for them (in Part 2 papers if necessary for reasons of commercial sensitivity);***

***2.4 That a report be brought to a future committee outlining options for a review and update of the Council’s Outdoor Events Policy, to include:***

***(a) More robust sustainability criteria:***

- ***investigating the possibility of requiring event organisers and vendors to avoid Single Use Plastics as a condition of their event permission***
- ***strengthening the existing Sustainable Event Commitment Form and guidance circulated to exhibitors and traders;***

***(b) A requirement for more detailed information on:***

- ***how events comply with equality legislation, such as the impact on disabled access to surrounding public rights of way;***
- ***how events comply with agreed corporate sustainable transport commitments;***

***(c) The development of a new charging schedule to provide consistency and transparency, which explores options for:***

- ***charges based on commercial event income;***

- *charges based on attendance figures;*
- *more clarity on the categorisation of events e.g. the criteria for being assessed as commercial, charity or community event;*
- *the introduction of a standalone Environmental Impact Charge, with ring-fencing being used to: provide physical mitigation to open spaces directly affected by events;*
- *a proportion of event fee being used to support immediate priorities for funding identified by the Open Spaces strategy and community & parks associations (e.g. 'Friends Of' Parks and Open spaces associations);*
- *Additional fees levied to support animal welfare provision and inspections where animals are part of events.*

***2.3 2.5 That the committee authorises the Executive Director Economy, Environment & Culture, after consultation with the Chair of the committee and opposition spokespersons, to make any alterations to the events programme as necessary and to approve new applications in accordance with the Outdoor Events Policy.***

- 32.3 Councillor Druitt stated that whilst recognising that the amendments were “meaty” he considered that if agreed, they would address the concerns of residents and ensure that a consistent approach was applied which was fair to all.
- 32.4 Councillor Mac Cafferty acknowledged the work undertaken by officers but considered that the proposed amendments would ensure that there was greater clarity. Whilst it was recognised that negotiations took place with organisers and that each application was considered on its individual merits, he considered that there was a clearer charging policy. Similar types of event did not always appear to be paying similar fees. He also considered that a robust approach was needed to ensure that where an event impacted on a local community a bolder charging strategy was invoked. In his own ward damage had occurred following events held on Brunswick Lawns and whilst it was accepted that recompense was taken for any damage caused to considered that there was an opportunity revisit this.
- 32.5 The Chair, Councillor Robins, stated that whilst the points made could be taken on board as part of any new events strategy, as he understood it, it was too late to effect any changes for 2018. He considered that bi-annual reports in future (dependent on the resourcing implications) and arrangements in respect of use of cans and single use plastic bottles warranted further investigation.
- 32.6 Councillor Cattell and Allen were of the view that as the proposed amendments had been submitted late, members had, not had the opportunity to consider the full implications of the proposals. Notwithstanding that, both considered that the amendment(s) contained valid points which were worthy of consideration when dealing

with applications going forward. They were of the view that it would be appropriate for Councillor Druitt to withdraw the proposed amendments.

- 32.7 Councillor Morris considered that the proposed amendments required re-drafting and that he could not therefore support them as currently worded. He remained firmly of the view that events should be looked at on an individual basis.
- 32.8 The Head of Sport and Leisure, Ian Shurrock explained that a workshop session had been arranged for Members to be held in the new year to explain the rationale for the existing arrangements. The Executive Director, Economy, Environment and Culture explained that it was intended that the existing strategy would be reviewed, this was referred to in the directorate structure plan, this was currently at an early stage and the consultation process had yet to begin. The Events Manager, Ian Taylor stated that most of the points set out in the amendment(s) were already extant or could easily be put into operation.
- 32.9 Councillors Mears and Nemeth stated that as the proposed amendment was seeking to “consider” arrangements and to “investigate” other issues they felt able to support it as it did not specify what had to be put into place in respect of any given event.
- 32.10 Councillor Druitt stated that he was not minded to withdraw his amendment(s) as they represented an appropriate way forward. Councillor Mac Cafferty agreed, stating that that notwithstanding the reassurances given, it would be appropriate to vote on the proposed amendment(s), rather than for them to be withdrawn or deferred.
- 32.11 The Chair, noting all that had been said moved to the vote and the proposed amendments were lost on the Chair’s casting vote. A further vote was then taken on the substantive recommendations as set out in the report.
- 32.12 **RESOLVED** – (1) That the committee grants landlord’s consent for the 2018 programme of events on Madeira Drive and the associated road closures as listed in Appendix 1;
- (2) That the committee authorises officers to enter into formal agreements with event organisers to determine conditions, fees and levels of support as appropriate; and
- (3) That the committee authorises the Executive Director Economy, Environment & Culture, after consultation with the Chair of the committee and opposition spokespersons, to make any alterations to the events programme as necessary and to approve new applications in accordance with the Outdoor Events Policy.

### **33 OUTDOOR EVENTS IN PARKS AND OPEN SPACES 2018**

- 33.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture seeking approval of Landlord’s consent for the proposed programme of events in parks and open spaces in 2018.
- 33.2 It was noted that many of the events set out in Appendix 1 to the report had taken place before and retained their traditional place in the calendar of outdoor events. The council had licensed a range of parks and open spaces including the Old Steine, Hove Lawns, the Seafront and Stanmer Park to hold events, however, a balanced approach was

required to prevent overuse of these areas. The events in Stanmer Park would depend upon the implementation of the Stanmer Park Restoration Project which was due to commence on site towards the end of next year. Appendix 1 to the report detailed the range of spaces and sites where events were proposed to take place. Several new or amended event applications for 2018 have been received and these were also summarised in the report.

33.3 The Chair stated that two sets of amendments had been received one from the Green Group and one from the Conservative Group.

33.4 The Green Group amendment(s) are set out below:

“To amend the recommendation 2.3 and insert new recommendations 2.4 and 2.5 as shown below in **bold italics**;

2.3 That the committee authorises officers to enter into formal agreements with event organisers **on the current event schedule** to determine conditions, fees and levels of support as appropriate **in accordance with the terms of the council’s existing Outdoor Events Policy**

**2.4 That the committee requests officers to report back on formal agreements on a bi-annual basis, including:**

**--compliance with the outdoor events policy and other BHCC corporate commitments as they affect:**

**-- communities such as licensing and environmental health;**

**--quality and nature of any feedback received from the public**

**-- details on fees and charges levied in each circumstance and the rationale for them (in Part 2 papers if necessary for reasons of commercial sensitivity);**

**2.5 That a report be brought to a future committee outlining options for a review and update of the Council’s Outdoor Events Policy, to include:**

**(a) More robust sustainability criteria:**

**- investigating the possibility of requiring event organisers and vendors to avoid Single Use Plastics as a condition of their event permission**

**- strengthening the existing Sustainable Event Commitment Form and guidance circulated to exhibitors and traders;**

**(b) A requirement for more detailed information on:**

**- how events comply with equality legislation, such as the impact on disabled access to surrounding public rights of way;**

**- how events comply with agreed corporate sustainable transport commitments.**

**(c) The development of a new charging schedule to provide consistency and transparency, which explores options for:**

- **charges based on commercial event income;**
- **charges based on attendance figures**
- **more clarity on the categorisation of events e.g. the criteria for being assessed as commercial, charity or community event;**
- **the introduction of a standalone Environmental Impact Charge, with ringfencing being used to: provide physical mitigation to open spaces directly affected by events**
- **a proportion of event fee being used to support immediate priorities for funding identified by the Open Spaces strategy and community & parks associations (e.g. 'Friends Of' Parks and Open spaces associations)**
- **Additional fees levied to support animal welfare provision and inspections where animals are part of events**

**2.6** That the committee authorises the Executive Director Economy, Environment & Culture, after consultation with the Chair of the committee and opposition spokespersons, to make any alterations to the events programme as necessary and to approve new applications in accordance with the Outdoor Events Policy.”

Proposed by Cllr Druitt

Seconded by Cllr Mac Cafferty

- 33.4 Councillor Druitt spoke in support of his proposed (amendments), stating that he considered (as raised under the previous item, 32), that they would provide clarity going forward and as such he wanted it to be considered. Councillor Mac Cafferty stated that he concurred in that view and was therefore happy to second it.
- 33.5 Councillor Morris stated that he supported an approach whereby there were benefits to the local community accruing from events citing “Pride” where much of the income generated went back into the local community/community groups.
- 33.6 Councillor C Theobald stated that she welcomed the range of events that took place across the city including the new ones proposed and any measures undertaken to ensure that any damage was rectified quickly.
- 33.7 Councillor Druitt stated that he hoped that the October Fest would take place again in future, although a different location might be preferable.

- 33.8 The Chair, Councillor Robins moved to the vote on the Green Group amendment and it was lost on the Chair's casting vote.
- 33.9 The Chair then moved to the Amendment received from the Conservative Group as set out below:

To amend the recommendation 2.2 as shown below in ***bold italics***;

"2.2 That the committee authorises the Head of Sport & Leisure to seek applications to stage "The Big Screen" and ***to then consult with the Chair and a nominated Member from each of the Opposition Groups in order*** to determine the event organiser to whom consent should be granted;"

Proposed by Cllr Nemeth

Seconded by Cllr Mears

- 33.10 Councillor Nemeth spoke in support of his amendment which he hoped could be supported. Councillor Mears spoke in support of Councillor Nemeth's amendment seeking confirmation within which consultation took place was appropriate.
- 33.11 The Executive Director for Economy, Environment and Culture referred to the arrangements in place for Big Screen Events, confirming that it would be appropriate to engage with Members in the manner suggested. The Legal Adviser to the Committee, Hilary Woodward stated that in her view it would be unreasonable to consult in advance of the preferred bidder being identified and could expose the council to legal challenge.
- 33.12 The Chair, Councillor Robins moved to the vote and on a vote of 5 to 1 with 4 abstentions the amendment was agreed and became part of the substantive recommendations which are set out below.
- 33.13 **RESOLVED** – (1) That the committee grants landlord's consent for the events listed in Appendix 1;
- (2) That the committee authorises the Head of Sport & Leisure to seek applications to stage "The Big Screen" and ***to then consult with the Chair and a nominated Member from each of the Opposition Groups in order*** to determine the event organiser to whom consent should be granted;"
- (3) That the committee authorises officers to enter into formal agreements with event organisers to determine conditions, fees and levels of support as appropriate; and
- (4) That the committee authorises the Executive Director Economy, Environment & Culture, after consultation with the Chair of the committee and opposition spokespersons, to make any alterations to the events programme as necessary and to approve new applications in accordance with the Outdoor Events Policy.

## 34 MAJOR PROJECTS UPDATE

- 34.1 The Committee considered the content of the Major Projects Bulletin which set out updates in respect of major schemes in progress across the City including the Royal Pavilion Estate, Brighton Waterfront, The King Alfred Development and Circus Street. It

was noted that significant progress had been achieved on a number of projects since the previous report to Committee.

- 34.2 Councillor Mears enquired regarding the removal of human remains following recent works adjacent to the Pavilion Estate. It was confirmed that these had been treated by Archaeology Sussex in accordance with an approved process. In answer to further questions it was confirmed that it could not be confirmed whether the burials were associated with the nearby Quaker meeting house in view of the level of interest expressed records following such projects would be made available in future.
- 34.3 It was noted that progress was being made with the Waterfront Project and it was anticipated that negotiations in respect of land the acquisition would commence in the very near future.
- 34.4 Councillor C Theobald referred to the Preston Barracks Scheme which had been agreed recently enquiring whether arrangements for erection of two plaques relating to the history/former use of the site had been erected. It was confirmed that it was understood that all necessary permissions had been issued, also that a more detailed update would be included in the next report to the Committee.
- 34.5 Councillor Mac Cafferty stated that the position in respect of viability of the site had been unusual and whilst considering that scheme to be acceptable he was anxious to avoid replicating any under-provision in the affordable element with large scale schemes in future. The Head of Planning, Policy and Major Projects, Liz Hobden, stated that in this instance the services of a third party who specialised in advising on such matters had been engaged to break the deadlock, this process had been useful and Members would be fully briefed if similar situations arose in the future. It was intended to bring forward a report on viability to the Committee at its next cycle.
- 34.6 Councillor Cattell stated that the format of and level of information contained in the report was useful.
- 34.7 Councillor Druitt referred to the King Alfred Scheme stating that it was predicated on closing the viability gap and that would need to continue to be monitored.
- 34.8 **RESOLVED** – That the contents of the report be received and noted.

### **35 REVIEW AND UPDATE OF PLANNING AND BUILDING CONTROL FEES AND CHARGES**

- 35.1 The Committee considered a report of The Executive Director, Economy, Environment and Culture which presented the proposed fees and charges for 2018/19 for the Planning & Building Control Service. This included the results of a comprehensive exercise which had benchmarked fees and charges with relevant comparators, including other authorities and providers, identified the true costs of providing the service to ensure charges recovered costs, including central and local overheads and capital financing and examined potential new sources of income, particularly charging for discretionary services under the Local Government Act 2003.

- 35.2 It was noted that fees and charges for services were reviewed annually in line with the Corporate Fees & Charges Policy. As a minimum, all fees and charges were increased by the corporate rate of inflation which had been set at 2.0%. This was the same percentage by which income budgets would be increased. For 2018/19, fees and charges had been increased by a minimum of 3.5% to assist in recovering full service cost as a minimum and to enable the delivery of the Integrated Service and Financial Plans for 2017/18 and 2018/19. The council's Financial Regulations required that any proposed increases in fees and charges over and above inflation were agreed by the council. They also stated that it is good practice to report on fees and charges that are rising by inflation only.
- 35.3 The Head of Planning Policy and Major Projects, Liz Hobden referred to the amendment made to Page 77 of the agenda which as set out in the circulated addenda papers. It was intended that a further update would be provided to the next cycle of the Committee. It was timely for the level of charges to be reviewed as they had last been reviewed in March 2016. The main of change were highlighted in the report and were intended to reflect the level of work by officers in providing advice in relation to more complex schemes.
- 35.4 Councillor Druitt commended the report and sought clarification regarding some of the fees chargeable where they appeared to relate to new areas of work.
- 35.5 Councillor C Theobald referred to the level of fees charged in relation to Householder applications and it was confirmed that fees were payable at agreed points as part of a staged process.
- 35.6 Councillor Mac Cafferty stated recognised that a balanced approach was necessary considering that it was important to ensure that cost increases did not drive forward or entrench bad behaviour and to seek to ensure that applicants put in improved submissions at the pre-application stage. It was important to weigh up the benefits and dis-benefits arising from different approaches.
- 35.7 Councillor Cattell, also commended the report which reflected the amount of work which had been undertaken. As some local authorities subsidised developers, fees which were set at a level which reflected the level of work involved particularly in relation to major projects was welcomed, it was hoped that this regime would work well in tandem with the other service improvements which had been made.
- 35.8 **RESOLVED** – (1) That the Committee approve the fees and charges for Building Control from 1 January 2018 set out in Appendix 1;
- (2) That the Committee approve the fees and charges for the pre-application advice service from 1 April 2018 set out in Appendix 2;
- (3) That the Committee approve the fees and charges for Planning Performance Agreements from 1 April 2018 in Appendix 3; and
- (4) That the Committee approve the fees and charges for specialist advice from 1 January 2018 in Appendix 4.



**36 SECTION 106 - 2016/17 CONTRIBUTIONS FINANCIAL REPORT**

- 36.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture which provided information and updates on the type and value of financial contributions made under Section 106 of the Town and Country Planning Act 1990 in 2016/17.
- 36.2 It was noted that these payments were secured through planning agreements or undertakings (“planning obligations”) as part of the planning application process and were determined by Planning Committee. This information was published in response to the recommendations in the Planning Advisory Group (PAS) Planning Peer Review, as it provided further information on measures to mitigate the impact of new development; and was more open and transparent. The report set out the type and value of contributions and the process for the allocation of contributions. The report also identified the need to meet policy objectives and the tests which needed to be applied including the need to be mindful of community infrastructure requirements and where sums of money received needed to be applied, this latter process formed part of the application process and was very specific.
- 36.3 Councillor Mears commended the report which had sought to detail the complexities of this issue. Councillor Mears sought clarification regarding instances where monies were returned to a central “pot” when they were not spent by the end of any given financial year. She was aware of instances of this in her own ward. It was explained that instances of this were very rare however, if Councillor Mears required a break-down in relation to individual schemes officers would be happy to provide that information.
- 36.4 Councillor C Theobald asked for clarification in respect of the allocation process as in some instances it appeared that monies were not allocated correctly. It was explained that funds were allocated in accordance with very strict criteria towards specific improvements/mitigation measures and could not be applied for general improvements.
- 36.5 Councillor Druitt noted the huge amount of work which had been undertaken in preparing the report, he also noted that in some instances it took some time before the sums of money allocated were spent. He wondered whether/how it would be possible to speedup/facilitate that process. The Head of Planning, Policy and Major Projects, Liz Hobden stated that strategies were in the process of being put into place to seek to ensure that schemes were prioritised more effectively, and current arrangements would be reviewed in a few months time.
- 36.6 Councillor Cattell commended the report which provided clarity about the structures in place to facilitate delivery of projects across the city. Councillor Cattell referred to the recent planning permission given in respect of the Sackville Hotel site in Hove. As a result of the on-going work which had taken place during the course of the application it had been possible to complete and sign off the Section 106 Obligation within seven days of planning permission being granted.

36.7 **RESOLVED** – (1) That the Committee notes the content of the report detailing the s.106 financial contributions held and those sums secured, received and spent within the last financial year (2016/17); and

(2) That Committee agrees that updates are to be reported at the end of each financial year.

**37 ITEMS REFERRED FOR FULL COUNCIL**

37.1 There were none.

The meeting concluded at 7.00pm

Signed

Chair

Dated this      day of