

BRIGHTON & HOVE CITY COUNCIL
TOURISM, EQUALITIES, COMMUNITIES & CULTURE COMMITTEE

4.00pm 16 JANUARY 2020

HOVE TOWN HALL - COUNCIL CHAMBER

MINUTES

Present: Councillor Robins (Chair) Grimshaw (Deputy Chair), Rainey (Opposition Spokesperson), Nemeth (Group Spokesperson), Childs, Ebel, Mears, Powell, Simson and O'Quinn

Other Invitees: Anusree Biswas Sasidharan, Joanna Martindale, Lola Banjoko and

PART ONE

30 PROCEDURAL BUSINESS

30(a) Declarations of substitutes

30.1 Councillor O'Quinn was present as substitute for Councillor Moonan.

30(b) Declarations of interest

30.2 Councillor Powell indicated an interest as she was employed by Sussex Police.

30(c) Exclusion of press and public

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

30.4 **RESOLVED** – That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

31 MINUTES

31.1 Anusree Biswas-Sasidharan referred to item 25.6 of the minutes and noted that previous comments had been omitted.

31.2 **RESOLVED** – That the minutes of the previous Committee held on the 21 November 2019 were agreed and signed as a correct record.

32 CHAIRS COMMUNICATIONS

32.1 The Chair gave the following communication:

“Good afternoon and welcome to this meeting of the Tourism, Equalities, Communities & Culture Committee. I’d like to inform those present that this meeting is being webcast live and will be capable of repeated viewing

As the Committee will be aware, there is a deal of public interest in the Golf Courses report today.

In order to be fair to those that have attended, I will be making changes to the order of the agenda.

On public involvement, I will be taking the deputation on Beach Chalets as the first item. I will then take each of the three petitions we have received in turn and will provide a joint response to all three.

Due to the level of public interest in the matter, we will then move to consider the Golf Courses report. Once we have considered that report, we will then move on to Member Involvement and the report items as they are listed in the agenda.”

33 CALL OVER

33.1 The following items were reserved for discussion:

Item 36	Community Safety and Crime in Brighton & Hove
Item 37	Hollingbury Park and Waterhall Golf Courses
Item 38	Outdoor Events Strategy
Item 40	Provision of Viability Consultancy Advice to the Planning Service
Item 41	Citywide Article 4 Direction – Houses in Multiple Occupation
Item 42	Planning Application Validation Review – Community Infrastructure Levy
Item 43	Adoption of Updated Design Guide for Extensions and Alterations SPD

33.2 The following item was withdrawn for further consideration:

Item 39	Brighton Centre Catering Concession
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34 PUBLIC INVOLVEMENT

(A) PETITIONS

(i) Keep Hollingbury Golf Course as a Golf Course.

34.1 The Committee considered a petition signed by 1689 people requesting that Brighton & Hove Council ensure Hollingbury Park Golf Course continue to remain as a golf course available to the general public.

(ii) Keep Waterhall Golf Club as a Golf Course.

34.2 The Committee considered a petition signed by 386 people which called on Brighton & Hove City Council to ensure Waterhall continue its use as a golf course.

(iii) Create a Haven for Wildlife and Wellbeing by Restoring Biodiversity of Hollingbury and Waterhall golf courses.

34.3 The Committee considered a petition signed by 5216 people which requested that Brighton & Hove City Council pause for sufficient time to carefully consider the future of Hollingbury and Waterhall golf courses to further undertake a full public consultation with all stakeholders and assess the environmental resources of the two sites before committing to any long-term business arrangements.

34.4 The Chair gave the following joint response to both petitions:

“Thank you for your petitions. The committee will consider the future of the golf course in the agenda item for this meeting and your various petitions will be useful to inform that discussion. The Council did include golf, rewilding and leisure uses as potential options when advertising a long-term lease for the course as we are aware the current users would wish to retain the site as a gold course and other residents were seeking other potential uses for the site.”

34.5 **RESOLVED** – That the committee note the petition.

(C) DEPUTATIONS

(i) Call for Review of Beach Chalet Licenses (Rottingdean Parish Council)

34.1 The committee considered a deputation that requested a review of the frequency of inspections.

34.2 The chair gave the following response:

“Thank you for your deputation and I will propose for officer to bring a report to a future committee on this issue. I appreciate that Beach Chalets which are rented from the council are very popular with local residents which is shown by the long waiting lists. As you indicate this is a sensitive matter and we will need to be mindful of those sensitivities while considering the legal issues of any measures that may impact upon the waiting lists.”

34.3 Councillor Mears welcomed the request for a report and enquired of the timescale.

34.4 The Chair stated that the report would be brought to a future TECC Committee.

34.3 **RESOLVED** – that the Committee receive an officer report on the matter raised within the deputation to a future meeting.

35 MEMBER INVOLVEMENT

(B) QUESTIONS

(i) Madeira Terraces

35.1 Councillor Nemeth put the following question:

“What is (a) the likely cost of the repairs that will now be necessary following the recent theft/vandalism incident at Madeira Terraces and (b) what is the approximate annual cost of security measures that might have been taken to avoid such an incident happening in the first place?”

35.2 The Chair provided the provided the following reply:

“The council is not in a position to speculate on the cost of repairs until the structures have been examined and a comprehensive assessment of the overall condition has been undertaken. A quotation would then be sought but only when it is safe and viable to carry out repairs. The council has instructed a contractor to install a felt covering to the canopy of the Madeira Lift mid-station to prevent any further deterioration as there is currently a safe access route to this structure. The cost of this short-term repair is not yet known but can be shared with Cllr Nemeth when the information becomes available.

The options for security provision are as follows:

To install CCTV along the length of the terraces would involve an initial one off capital cost of £45K (assuming there was a suitable electrical supply available). In addition to this, there would be an annual monitoring cost of £37k per year.

Due to the marine environment there would also be an ongoing servicing and maintenance cost of approx. £7K per year. Therefore, the total cost for the first year would be approximately **£89k**.

Alternatively, for hourly mobile security patrols along the length of the terraces from 9pm to 6am, 365 days a year, the cost would be **£45K** per year

To employ 2 static dedicated security guards patrolling along the length of the terraces from 9pm to 6am, 365 days a year would be **£70K** per year.”

(ii) King Alfred Leisure Centre

35.3 Councillor Nemeth provided the following question:

“When will the first meeting of the new King Alfred Project Board be held and what representations will the Chair of this committee be making in his capacity as head of sport for the city?”

35.4 The Chair provided the following response:

“At its meeting last month, the Policy & Resources Committee agreed to the reintroduction of cross-party Project Boards. Group Leaders have been asked to confirm their representatives for a number of boards and working groups, the King Alfred Project Board among them. It is hoped that this will enable the first meeting of the King Alfred Project Board by the end of next month, or in early March.

As with the previous project I will retain a keen interest in the project as it develops. I will work closely with the Labour representative on the Board and ensure appropriate engagement throughout the process”

35.5 Councillor Nemeth sought further clarification as to the date of the next meeting of the King Alfred Project Board.

35.6 The Chair offered to provide a written response.

(iii) King Alfred Leisure Centre

35.7 Councillor Nemeth provided the following question:

“At the 19th November meeting of this committee, I was assured that detailed information on which tenants and user groups at the King Alfred had been contacted, or would urgently be contacted, about the site’s future. As of 6th January, nothing has been received by me. When will the information be provided?”

35.8 The Chair gave the following response:

“The understanding of your request from the November committee was for confirmation of the relationship between the council, Freedom Leisure and other users of the King Alfred site. This information has been provided to you prior to this meeting.

As indicated at the committee in November, Freedom Leisure the council’s tenant for the King Alfred Leisure Centre were notified on the 13th August 2019 that Crest Nicholson had withdrawn from the King Alfred redevelopment. Furthermore, when the council has agreed a way forward with regards to the facility Freedom Leisure will be notified to enable staff, sub-tenants and user groups to be updated.

Cheetahs Gym and Fun Play Leisure (Hove) are also tenants of the council on the King Alfred site and they have both been directly notified by the council that Crest Nicholson had withdrawn from the King Alfred Redevelopment.”

35.9 Councillor Nemeth disputed the initial section and noted that at the last meeting, tenants and user groups were technically sub tenants. It was stated reassurances were provided that this technicality would not interfere with dissemination and requested that confirmation that concrete steps had been taken to contact sub tenants.

35.10 The Executive Director, Economy, Environment & Culture stated that the sports leisure team would be contacted in order to provide a response as soon as possible.

35.11 Councillor Nemeth further requested agreement that sub tenants would be contacted.

35.12 The Chair agreed.

(iv) Planning Process

35.13 Councillor Nemeth provided the following question:

“What, if any, plans are in place to introduce AI routines to the planning system, as is happening in other authorities such as Milton Keynes, to speed up planning applications?”

35.14 The Chair provided the following response:

“The existing Planning service modernisation programme is already delivering improvements in the time taken to process the majority of planning applications, as reported quarterly to the Planning Committee.

The use of AI in a few pilot authorities is at an embryonic stage and is mainly focused on improving the customer experience including self-service, advice and information sharing rather than process re-design to speed up decision making. The Planning Service is monitoring these initiatives and will be submitting prioritised bids for future Modernisation Programme funding, and government grants where available, when the business case can be justified, and the necessary ICT skills and capacity secured.”

(v) Webcasts

35.15 Councillor Nemeth provided the following question:

“Will past webcasts of this committee be made available soon as was suggested upon first usage of the new system on the council website?”

35.16 The Chair provided the following response:

“Thank you for your question Councillor Nemeth.

I can confirm that the past webcasts for this committee’s meetings in September and November are available on the council’s web site and can send you the link should you require it. “

(vi) Brighton Town Hall

35.17 Councillor Nemeth provided the following question:

“Will the Chair arrange for a briefing to be sent to committee members with an update on this project?”

35.18 The Chair provided the following response:

“Thank you for your question.

Yes, a briefing note can be circulated to the committee members after this meeting.”

(D) NOTICES OF MOTION

(i) Party Houses

35.19 The Committee considered a Notice of Motion, referred from the Full Council meeting of 19 December 2019.

35.20 The Chair gave the following response:

“I can confirm that I have asked for a report on Short Term Lets to come to this Committee in March and it will consider and make recommendations in line with those set out in this Notice of Motion.”

35.21 **RESOLVED** – That a report be brought to March TECC Committee.

36 COMMUNITY SAFETY AND CRIME IN BRIGHTON & HOVE

36.1 The Committee considered a report of the Interim Director of Housing Neighbourhoods and Communities which sought to provide an update on work being undertaken by the Safer Communities team and partners in relation to the Community Safety and Crime Reduction Strategy 2017-20. The report was provided by the Head of Safer Communities.

36.2 Councillor Simson noted her concern in the increase in crime and sought clarification of the following points:

- In regard to 3.29 clarity was sought as to when this had commenced,
- In regard to 3.32 information regarding the success of the consultation was requested.
- In regard to item 3.34 Councillor Simson stated that they had attended the Taxi Forum and noted that there were still some drivers that had not received training.
- Councillor Simson referred to page 37 and enquired if this would be considered a small or large number.

36.3 The Head of Safer Communities responded to Councillor Simson’s questions with the following:

- It was stated that the MARAC Hub pilot was in its first week and hoped to move to Johns Street.
- In regard to 3.32 it was stated that an update to members via email would be looked into.
- In regard to 3.34 it was stated that the Taxi Forum would take place in November however further work was being undertaken to liaise with providers which has further pushed back dates.
- A rise in the number of burglaries was acknowledged and that this comprised of a residential, garden and commercial burglaries. It was, however, confirmed that these

had been carried out by a relatively low number of people and did not reflect the national trend.

- 36.4 Anusree Biswas Sasidharan echoed Councillor Simson's concerns, noted the good work that had been carried out so far and enquired if contextual safeguarding was an approach that had been concerned by BHCC.
- 36.5 The Head of Safer Communities confirmed that BHCC was considering this.
- 36.6 Nick May, Sussex Police, noted that although there had been a rise in issues, a positive trend was reflected in the rise of reports of cases.
- 36.7 Councillor Powell noted a domestic violence event in November and enquired of the knock on effect of external pressures and if further issues would arise as a result of further budgetary cuts.
- 36.8 The head of Safer Communities stated that through the recommissioning of services, only a small reduction in services was proposed and that this did not constitute a large amount of money. Members were assured that work with CCG and Sussex Police would continue.
- 36.9 Councillor Simson stated that Crime Stoppers was a very effective organisation that was 100% confidential and requested if further information on the organisation be disseminated across the City.
- 36.10 Nick May echoed his support for Crime Stoppers and vouched for their commitment to confidentiality.
- 36.11 Councillor Childs noted the upward trajectory across violent crime and sexual assault and sought clarification on the reasons for this on the ease of reporting a crime.
- 36.12 Nick May acknowledged rising crime rates and noted that Brighton was nationally very strong at reporting crime. It was noted that the category of violent crimes encompassed an entire range of offences that included threats and malicious communication and stalking. It was further noted that although there was a rise there was also a marked improvement in reporting crime.
- 36.13 **RESOLVED:** That the Committee
1. Noted the information contained in the report which provides an update on work being undertaken by the Safer Communities team and partners in relation to the Community Safety and Crime Reduction Strategy 2017-20.

37 HOLLINGBURY PARK AND WATERHALL GOLF COURSES

- 37.1 The Committee considered the report of the Executive Director, Economy, Environment & Culture regarding Hollingbury Park and Waterhall Golf Courses. The report was introduced by the Assistant Director Culture, Tourism & Sport.

- 37.2 The Assistant Director Culture, Tourism & Sport gave a brief overview of the report which sought to make recommendations to lease the Waterhall Course to a Community Interest Company for re-wilding and to authorise officers to clarify the bids of Hollingbury Golf Course with a view to make recommendations to Policy & Resources Committee.
- 37.3 On behalf of the Conservative Party, Councillor Nemeth moved a motion to amend recommendations 2.2 and 2.4 as shown in strikethrough and bold italics below:
- 2.2 Recommends to Policy & Resources Committee that it agrees to lease Waterhall Golf Course to the Community Interest Company (CIC) described in the bid appended to the Part 2 report for a period of 25 years ***with the caveat that having considered the legal, financial and practical implications it should ensure golf continues at one of the two courses.***
- 2.4 Authorises officers to continue to interrogate and clarify the bids received in relation to Hollingbury Park Golf Course and ***instructs ~~notes that officers hope~~ to make a recommendation to Policy & Resources Committee on 23 January as to the future of the site following consultation with the lead members of three political groups on the committee.***
- 37.4 Introducing the amendment, Councillor Nemeth stated that membership had been already affected as a result of neglect and that a negative impact on mental health as well as a dissolution of community bonds and local programs needed to be considered.
- 37.5 Councillor Mears formally seconded the amendment. Concern was raised regarding the possibility of a golf course being sold redevelopment and that the report did not reference this issue.
- 37.6 On behalf of the Green Group, Councillor Ebel moved a motion to add recommendations 2.4, 2.5 and 2.7 and to re-number the original recommendation 2.4 to 2.6. as shown in bold italics below:
- 2.4 ***Requests a report on the progress of the rewilding and the use of the educational centre is brought to the Tourism, Equalities, Communities & Culture Committee once a year, and asks that officers engage with the tenant to request detail on the following:***
- ***use of pesticides and herbicides;***
 - ***public access plans - any increase in diverse habitats and species;***
 - ***engagement with local communities***
 - ***any environmental audit or similar***
- 2.5 ***Recommends to the tenant that they use sustainable materials for the renovation of the events venue and implement environmentally friendly solutions such as solar panels, air-to-air heating, rain water harvesting and grey water recycling.***
- 2.7 ***That if no clearly beneficial bid is identified for Hollingbury Park Golf Course, TECC recommends to Policy & Resources Committee that it orders a review 7 which considers whether to carry out a new bidding process***

which encourages proposals for rewilding or a mixed golf/rewilding use and that Policy & Resources considers extending the Mytime Active contract whilst the review and bidding process is undertaken.

- 37.7 Introducing the motion, Councillor Ebel expressed concern regarding the tendering process and noted that golfers wanted better consultation. It was stated that BHCC had to consider access to the Waterhall site.
- 37.8 Councillor Rainey formally seconded the amendments.
- 37.9 Councillor Simson echoed concerns regarding the short period assigned to the tendering process. Further concern was expressed regarding the management of the site and that the duration of lease was too long.
- 37.10 Councillor Mears noted that both golf courses had already attained a certain level of rewilding. It was stated that the Asset Management Board was working with the South Down National Trust to consider this.
- 37.11 Councillor O'Quinn noted that Hollingbury ought to remain as a Golf Course and that Waterhall housed an abundance of wildlife.
- 37.12 Councillor Childs noted that provision of leisure facilities was critical for the City's health and wellbeing. It was noted that Hollingbury Golf Course had a legacy from being in operation for 112 years and that the issue lay with the potential of rejecting a bid as a result of unnecessary regulation. Clarification was sought as to the likely implications of allowing the bidding process to be reopened.
- 37.13 The Assistant Director, Tourism & Sport stated that following the end of the contract, should no action be taken, the golf course would continue to operate with mothballing costs. It was noted that officers currently involved would cease to be involved and that a decline in service provided by BHCC would follow including a decline in provided equipment and security services. It was noted that a new consultation process would further prolong the issue by at least another 6 months.
- 37.14 Councillor Mears expressed concern in regard to the uncertainty brought about by the lack of clarity on this issue.
- 37.15 The Executive Director Economy, Environment & Culture referred to 3.21 of the report and stated that officers had actively been seeking this information. It was stated that the intention was to provide a positive recommendation to the upcoming Policy & Resources Committee. Further clarification of the mothballing costs was provided.
- 37.16 Councillor Powell enquired as to what level members had been involved in the process.
- 37.17 The Executive Director Economy, Environment & Culture stated that it was usual for officers to undertake the marketing and tendering exercises of land and that the approach that BHCC had taken was the approach that was agreed as amended at the previous Tourism, Development and Culture Committee in June 2019.
- 37.18 The Chair put the Conservative amendment to the vote which was lost.

37.19 The Chair then put the Green Group amendment to the vote which was passed.

37.20 The Chair then put the recommendations as amended to the vote which were agreed.

37.21 **RESOLVED** that the committee:

1. Noted the current management contract with Mytime Active to operate the council's golf courses at Hollingbury Park and Waterhall expires on 31st March 2020.
2. Recommended to Policy & Resources Committee that it agrees to lease Waterhall Golf Course to the Community Interest Company (CIC) described in the bid appended to the Part 2 report for a period of 25 years.
3. Recommended to Policy & Resources that it delegates authority to the Executive Director, Economy, Environment & Culture to conclude the lease arrangements for Waterhall Golf Course as per 2.2
4. Requested a report on the progress of the rewilding and the use of the educational centre is brought to the Tourism, Equalities, Communities & Culture Committee once a year, and asks that officers engage with the tenant to request detail on the following: - use of pesticides and herbicides; - public access plans - any increase in diverse habitats and species; - engagement with local communities - any environmental audit or similar
5. Authorised officers to continue to interrogate and clarify the bids received in relation to Hollingbury Park Golf Course and notes that officers hope to make a recommendation to Policy & Resources Committee on 23 January as to the future of the site.
6. That if no clearly beneficial bid is identified for Hollingbury Park Golf Course, TECC recommended to Policy & Resources Committee that it orders a review which considers whether to carry out a new bidding process which encourages proposals for rewilding or a mixed golf/rewilding use and that Policy & Resources considers extending the Mytime Active contract whilst the review and bidding process is undertaken.

38 OUTDOOR EVENTS STRATEGY

38.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture which sought to advise committee of the implications of amending the Outdoor Events Strategy. The report was provided by the Assistant Director Culture, Tourism & Sport and the Events Manager.

38.2 The Assistant Director Culture, Tourism & Sport gave a brief overview of the report and the amendments brought at previous committees. An annual report on compliance with the outdoor events charter was proposed where events that comprised of 5000 people or more were provided with an environmental impact assessment and action plan by organisers; and where events comprised of less than 5000 people, a sustainable events

commitment was supplied. It was noted that this had been developed and prepared for event organisers in the coming year and beyond.

It was further noted that the actions proposed on 3.2 to 3.21 be adopted along with the banning of “skylitter” at BHCC parks and open spaces as part of the outdoor events program. Finally it was stated that fees and charges be approved acknowledging that there would be a 5% increase across the board for outdoor events. Councillors were asked to note the budget implications should this not be agreed.

38.3 On behalf of the Green Party, Councillor Rainey moved a motion to amend recommendations 2.2 to 2.5 and add recommendations 2.6 to 2.8 as shown in bold italics below:

- 2.1 That the Committee agrees to receive an annual report on compliance with the Outdoor Events Charter.
- 2.2 That the Committee agrees the requirement for outdoor events with over 5000 participants/attendees to complete an Environmental Impact Assessment and Action Plan and that this is included as part of the Outdoor Events Charter ***and requests that officers provide a briefing to the Chair and the Opposition Spokespersons on the details of the proposed Environmental Impact Assessment and Action Plan before its introduction in March 2020.***
- 2.3 That the Committee agrees the actions proposed in paragraphs 3.2 to 3.21 below are adopted ***with the addition of recommendations 2.6 to 2.8.***
- 2.4 That the Committee agrees that releases which result in sky litter are not permitted at ***any events on any land owned by the Council.***
- 2.5 That the Committee agrees the increase in fees and charges for Outdoor Events for 2019/20 as listed in appendix 2 ***and brings a report to the next committee which explores the option of profit-sharing with the council for commercial (not community or charity) events with over 5000 participants/attendees.***
- 2.6 ***That the Committee requests that all outdoor events on council-owned land sign up to the Outdoor Events Charter. Events with less than 500 participants/attendees need only comply with the Sustainable Event Commitment.***
- 2.7 ***All events of over 500+ attendees to be required to submit a Travel Plan to be agreed with Events & transport officers. All events required to produce an EIA should also be required to submit an Equalities Impact Assessment with particular focus on the impact of the event on disabled people's ability to access both the event and the surrounding area.***
- 2.8 ***The following items on the Sustainable Event Commitment will be mandatory rather than optional: Recycling plastic, glass and cans; Consider where products and services are coming from; Minimise damage to the site by protecting grass, flowerbeds and other vegetated areas; The reduction and ultimate elimination of single-use plastic.***

- 38.4 Councillor Powell formally seconded the motion.
- 38.5 Councillor Nemeth queried the use of the term “skylitter”. It was stated that this term was obscure as it encompassed a wide array of items such as fireworks and enquired if fireworks were to be banned under this rubric.
- 38.6 The Events Manager stated that the term encompassed a series of objects identified by many external bodies such as the RSPCA. It was clarified that the focus was more on items such as sky lanterns than fireworks.
- 38.7 Councillor Nemeth acknowledged the clarification and stated that in spaces such as school fields which came under the BHCC’s remit; it was not possible to stop releases of skylitter as they were tied up in leases. As a result it was noted that it was not possible to stop this at sites.
- 38.8 The Head of Commercial Law confirmed that BHCC could not ban sky litter for land that had already been leased.
- 38.9 Councillor Childs clarified that school fields were owned by the Council however that management was delegated by statute to the governing body of the school.
- 38.10 Councillor Simson noted that a voluntary school could proceed with this regardless.
- 38.11 The Head of Commercial Law proposed to remove ambiguity by amending recommendation 2.4 to read as shown below in bold italics:
- 2.4 That the Committee agrees that releases which result in sky litter are not permitted at any event on any land owned by the Council ***to the extent permitted by law.***
- 38.12 Councillor Simson referred to the banning of performing animals and sought clarity on if this included dogs.
- 38.13 The Chair confirmed that dogs and horses were exempt from this.
- 38.14 Anusree Biswad Sasidharan sought clarity as the reason for the absence of an equalities impact assessment.
- 38.15 The Events Manager stated that this amended proposed that all events submitted an Equalities Impact Assessment.
- 38.16 Councillor Mears requested that a background paper clarifying everything be provided.
- 38.17 The Executive Director – Economy, Environment & Culture ensured that finalised documents would be scrutinised to ensure that they were not open to challenge.
- 38.18 Councillor Childs expressed concern of recommendation 2.5 in regard to the possibly putting off event organisers and the further possibility of impeding organisers from generating money

- 38.19 The Chair noted Councillor Childs concern.
- 38.20 Councillor Rainey clarified that the recommendation only sought to look at this as an option and that this could be brought to TECC at a later date in the year.
- 38.21 Councillor Powell noted that the Green Group had brought the Animal Charter to TDC in the past and enquired if a revised edition could be brought back and shared.
- 38.22 The Executive Director – Economy, Environment & Culture stated that this would be sent to Councillor Powell.
- 38.23 The Head of Commercial Law stated that there was legislation that constrained what BHCC could place in the Charter and offered to send this to Councillor Powell as well.
- 38.24 The Chair put the amendments to the vote.
- 38.25 Recommendations 2.1 – 2.4 were passed, Item 2.5 fell and Items 2.6-2.8 passed.
- 38.26 **RESOLVED:** That the Committee:
1. Requested an annual report on compliance with the Outdoor Events Charter.
 2. Agreed the requirement for outdoor events with over 5000 participants/attendees to complete an Environmental Impact Assessment and Action Plan and that this is included as part of the Outdoor Events Charter and requests that officers provide a briefing to the Chair and the Opposition Spokespersons on the details of the proposed Environmental Impact Assessment and Action Plan before its introduction in March 2020.
 3. Agreed the actions proposed in paragraphs 3.2 to 3.21 of the report are adopted with the addition of recommendations 2.6 to 2.8.
 4. Agreed that releases which result in sky litter are not permitted at any events on any land owned by the Council to the extent permitted by law.
 5. Agreed the increase in fees and charges for Outdoor Events for 2020/21 as listed in appendix 2.
 6. Requested that all outdoor events on council-owned land sign up to the Outdoor Events Charter. Events with less than 500 participants/attendees need only comply with the Sustainable Event Commitment.
 7. Required all events of over 500+ attendees to submit a Travel Plan to be agreed with Events & transport officers. All events required to produce an EIA should also be required to submit an Equalities Impact Assessment with particular focus on the impact of the event on disabled people's ability to access both the event and the surrounding area.

8. Decided that the following items on the Sustainable Event Commitment will be mandatory rather than optional: Recycling plastic, glass and cans; Consider where products and services are coming from; Minimise damage to the site by protecting grass, flowerbeds and other vegetated areas; The reduction and ultimate elimination of single-use plastic.

39 BRIGHTON CENTRE CATERING CONCESSION

40 PROVISION OF VIABILITY CONSULTANCY ADVICE TO THE PLANNING SERVICE

- 40.1 The Committee considered a report of the Executive Director Environment, Economy & Culture which sought to seek approval to secure suitable arrangements for BHCC to continue to access high quality and timely advice on the provision of independent development viability assessment reviews. The report was provided by the Business Development Manager.
- 40.2 On behalf of the Green Party, Councillor Powell moved a motion to amend recommendation 2.2 as shown in bold italics below:
 - 2.2 That the Committee agree that the viability reviews undertaken by the consultants utilise a standard model and set parameters (for profit levels, contingencies, professional fees etc) as agreed and reviewed by the Planning Committee Cross Party Members' Working Group ***and to request a review to come to this Committee two year after this comes into effect to assess the impact on the percentage of affordable housing being built.***
- 40.3 Councillor Rainey formally seconded the motion.
- 40.4 The Chair put the amendment to the vote which was passed.
- 40.5 **RESOLVED** that the Committee:
 1. Authorised the Head of Planning to establish a framework of suitably experienced and qualified viability consultants for the council to utilise to undertake independent viability assessment reviews of evidence submitted by planning applicants.
 2. Agreed that the viability reviews undertaken by the consultants utilise a standard model and set parameters (for profit levels, contingencies, professional fees etc) as agreed and reviewed by the Planning Committee Cross Party Members' Working Group and to request a review to come to this Committee two year after this comes into effect to assess the impact on the percentage of affordable housing being built.

41 CITYWIDE ARTICLE 4 DIRECTION - HOUSES IN MULTIPLE OCCUPATION

- 41.1 The committee considered a report of the Executive Director, Economy, Environment & Culture which sought to confirm Article 4 direction to allow changes of use from dwelling houses to small houses in multiple occupation replacing the existing Article 4 Direction confirmed in 2013. The report was provided by the Principle Planning Officer.

- 41.2 The Principle Planning Officer noted that steps to implement the directive had been taken since 2019 TDC Committee and that consultation had occurred last year. The Committee were advised that respondents were in favour of Article 4 being confirmed.
- 41.3 Councillor Simson welcomed the report and noted that this could have been undertaken sooner.
- 41.4 Councillor Mears referred to items 5.2 and 5.3 and noted that the significant knock on effect at East Brighton Ward.
- 41.5 The Chair stated their support for this report.
- 41.6 **RESOLVED:** That the Committee:
1. Noted the representations made during the consultation period.
 2. Authorised the confirmation of the Direction made under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove permitted development rights relating to changes of use from a C3 dwelling house to a C4 small HMO.
 3. Authorised the making of a Direction (“the Cancellation Direction”) cancelling the existing Article 4 Direction confirmed in 2013 within the wards of Hanover and Elm Grove, Hollingdean and Stanmer, Moulsecomb and Bevendean, Queen’s Park and St. Peter’s and North Laine as these wards will be covered by the new citywide Direction.
 4. Authorised the Head of Planning to confirm the Cancellation Direction subject.

42 PLANNING APPLICATION VALIDATION REVIEW – COMMUNITY INFRASTRUCTURE LEVY

- 42.1 The Committee considered a report of the Executive Director Economy, Environment & Culture which sought to amend the planning application local validation criteria to require a completed Community Infrastructure Levy (CIL). The report was provided by the Planning Manager who noted that this would be introduced in March.
- 42.2 The Planning Manager moved a motion which sought to amend recommendation 2.2 as shown below in strikethrough and bold italics:
- 2.2 That the Committee agrees the validation requirement set out in paragraph 2.1 will lapse if Full Council does not approve the commencement of CIL on ~~2 April 2020~~ **14 May 2020**.
- 42.3 The chair put the amendment to the vote which passed.
- 42.4 **RESOLVED:** That the Committee:

1. Agreed the amendment of the planning application local validation criteria to require a completed CIL Additional Information Form 1 as part of the validation process from 2nd March 2020 for all applications for full planning permission, including householder applications and reserved matters following an outline planning permission, and applications for lawful development certificates.
2. Agreed the validation requirement set out in paragraph 2.1 will lapse if Full Council does not approve the commencement of CIL on 14 May 2020.

43 ADOPTION OF UPDATED DESIGN GUIDE FOR EXTENSIONS AND ALTERATIONS SPD

- 43.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture which sought to adopt the Updated Design Guide for Extensions and Alterations Supplementary Planning Documentary (SPD). The report was provided by the Principle Planning Officer.
- 43.2 The Principle Planning Officer gave a brief overview of the report and noted the changes needed due to national policy. It was stated that the more positively framed report sought a balance of good design and flexible guidance. It was noted that the sustainability section boosted alignment with the emerging city plan part 2.
- 43.3 Councillor Powell requested clarification of decisions appeals.
- 43.4 The Principle Planning Officer stated that BHCC had carried out analysis and responded to the direction of the analysis. It was noted that development rights had become more relaxed.
- 43.5 Councillor Powell sought clarity on the scope of minor alterations.
- 43.6 The Principle Planning Officer stated that minor alterations referred to the changes in guidance and reaffirmed that each application would be considered on its own merits.
- 43.7 Councillor Powell enquired if this would make it harder or easier for future applicants.
- 43.8 The Principle Planning Officer stated that the recommendations sought to make things easier for applicants.
- 43.9 Councillor Nemeth sought clarity on the process in place.
- 43.10 The Principle Planning Officer stated that further clarification was mentioned in the guidance on page 9.
- 43.11 Councillor Nemeth expressed concern at the terminology employed such as “might be used” as opposed to “has to be used”. It was noted that previous Committees had mandated that this be carried out to remove ambiguity.
- 43.12 The Principle Planning Officer stated that BHCC that legal advice received stated that policy could not deliver policy through supplementary planning documents. It was noted that BHCC would be requiring the attachment of this condition on all new developments

and that the best way to achieve this was through policy. It was stated that efforts to strengthening wording could be looked at.

43.13 The Chair agreed that further scrutiny of the terminology used could be considered.

43.14 Councillor Grimshaw expressed concern in planning's interpretation that was too descriptive and requested reassurance that it was not.

43.15 The Principle Planning Officer reassured Councillor Grimshaw that this was a lot less prescriptive than the previous document. It was noted that a lot of work had been carried out with the planning forum and others.

43.16 Councillor requested reassurance that this was linguistically accessible.

43.17 The Principle Planning Officer stated the guidance was a lot clearer for Councillors and their residents.

43.18 **RESOLVED:** That the Committee:

1. Noted the consultation undertaken on the draft SPD (Appendix 1) and endorses the changes made to the document.
2. Agreed the Updated Design Guide for Extensions and Alterations SPD (Appendix 2) for adoption as part of the city's suite of planning documents subject to any minor grammatical and non-material text and illustrative alterations agreed by the Head of Planning in consultation with the Chair of the Committee prior to publication.

44 HOLLINGBURY PARK AND WATERHALL GOLF COURSES- EXEMPT CATEGORY 3

45 PART TWO PROCEEDINGS

46 ITEMS REFERRED FOR FULL COUNCIL

The meeting concluded at Time Not Specified

Signed

Chair

Dated this

day of