

Brighton & Hove City Council

City Environment, South Downs & The Sea Committee

4.00pm 23 January 2024

Council Chamber, Hove Town Hall

Minutes

Present: Councillor Rowkins (Chair) Fowler (Deputy Chair), Burden, Galvin, Grimshaw, Muten, Robinson, Shanks, C Theobald and Winder

Part One

33 PROCEDURAL BUSINESS

33(a) Declarations of substitutes

33.1 Councillor Shanks was present as substitute for Councillor Pickett.

33.2 Councillor Grimshaw was present as substitute for Councillor Alexander.

33(b) Declarations of interest

33.3 Councillor Shanks declared a pecuniary interest in Item 40 they or their spouse was an allotment holder. Councillor Shanks stated that they would leave the Chamber during consideration of the item.

33.4 Councillor Muten declared a pecuniary interest in Item 40 they or their spouse was an allotment holder. Councillor Muten stated that they would leave the Chamber during consideration of the item.

33.5 Councillor Winder declared a pecuniary interest in Item 40 they or their spouse was an allotment holder. Councillor Winder stated that they would leave the Chamber during consideration of the item.

33(c) Exclusion of press and public

33.6 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(I) of the Act).

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

34 MINUTES

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

35 CHAIRS COMMUNICATIONS

35.1 The Chair provided the following communications:

“Since the last meeting of this committee, I’m pleased to report that planning permission has been granted for the new public toilet and café facility at The Level. The renovation of the McLaren Pavilion will restore vital public amenities to this heavily-used city centre park, and we hope to have it open and in use early this summer.

Phase 2 of our Public Toilet Refurbishment Programme is also underway, and will see brand new facilities at the Ovingdean Undercliff and Goldstone Villas sites. Goldstone villas will see major work undertaken to raise the floor from its current subterranean configuration to street level in order to provide better access for all our residents.

Work is progressing well on 3 new accessible “Changing Places” toilets. The facility at Stanmer Park is due to be finished in March, with Preston Park and St Ann’s Well Gardens coming in June.

Members will also have seen the latest data on missed refuse collections, which are down around 90% since summer 2023. Our work to modernise the service and clean up the working culture and City Clean continues, and later this week the Strategy, Finance and City Regeneration committee will meet to discuss the recommendations from the independent KC report, and we are committed to implementing them in full.

Today we will be dealing with a subject that has split opinion for years – the weeds. There was a time when councillor’s inboxes were full of requests to ban the use of glyphosate in the city. Since then, councillor’s inboxes have been full instead with implores to do something about the out-of-control weed problem making their streets unsafe and inaccessible.

In 2019, this committee’s predecessor banned the use of glyphosate with immediate effect, contrary to the advice of the very group leading the campaign to stop using the herbicide. The Pesticide Action Network recommend a 3-year managed phase out, not a cliff-edge ban, which they warn is likely to be counterproductive. And indeed it was. Since then, the council has relied on manual removal. Let me just be clear about what that means: it means giving our streets staff hoes. That’s it. That’s the sum total of the policy under the previous administration. Little wonder that since taking over in 2023, we have had so many desperate requests to do something.

Allow me to summarise the situation going in to 2024. After 5 full years of unchecked growth, roots are so well established that they have begun damaging roads and pavements. We have a backlog of repairs for which there is no budget.

Parts of the city are completely wild, and many of our residents – wheelchair users, parents and carers with buggies, those with visual or mobility impairments – simply can’t travel the distance of their own street safely. I have been out with our staff, I’ve seen it for myself.

Only this morning, I heard about a disabled resident in the Coombe Road area. She is reliant on a mobility scooter to move around the city, and the pavements in the area were so impassable for her that she has taken to using the road instead.

The council has a duty to maintain safe and accessible pavements, and we are currently failing in that duty.

I'm going to be open and honest about this. When we first started looking at this, I was absolutely determined to find a way to get the problem under control without the use of herbicides. If we wanted to just roll over on a manifesto promise and spray the streets, we could have done it 6 months ago.

Instead, we have conducted an exhaustive assessment of every possible alternative; mechanical rippers, hot water, foam, acetic acid, salt and vinegar, electric shocks – even flamethrowers.

The truth is, none of these are effective or viable. And let's not forget, we are not dealing with the 2019 problem – we are dealing with the 2024 problem.

We need a reset.

Once it became clear that the only way to bring that problem back under control was some kind of herbicide application, we (and I personally) set about finding the safest and most environmentally-friendly way of doing it.

A conventional glyphosate application would have been the easiest option. It's what we used to do, it's what the vast majority of other councils do, we know it works and it is cost-effective.

But I and the other members of this committee take concerns around safety and biodiversity extremely seriously. That is why we have gone above and beyond to find a way forward that substantially reduces any health and safety risk and potential impact on biodiversity. As you will see in the body of the report, the controlled droplet application will be significantly more expensive. You will all be aware of the extremely difficult financial situation the council is facing, but despite this, our commitment to doing this in the most responsible way possible is so firm that we believe it is worth it.

I have seen commentary that this would represent a backwards step or a return to the status quo pre 2019. Let me just be clear about the previous approach:

Glyphosate was mixed with water and sprayed in a pressurised mist, sprayed indiscriminately up and down every street in the city and in every park and open space. This mist contained tiny, breathable droplets, and would easily drift beyond the area intended, impacting other plants and wildlife in the vicinity.

What we are proposing today is very different. The controlled droplet application uses a lower concentration of glyphosate which is suspended in a non-toxic oil solution that sticks to the target plants. This solution is released in uniform, larger droplets that are released under gravity alone and will be applied only to visible weeds. It produces no breathable droplets and is far less prone to drift. It is rain fast within an hour and so the risk of run-off is greatly reduced.

Crucially, this will apply only to pavements and roads. We will not be treating weeds in any of our parks and green spaces.

So this is not a backward step – it is a pragmatic and responsible third way that will get the problem under control while minimising the risks.

It is a way to press reset and do it properly. Once we have the problem back under control, we will reduce the use of herbicide in the way that the Pesticide Action Network suggests – managed, controlled and responsible – how it should have been the first time”.

36 CALL OVER

36.1 The following items on the agenda were reserved for discussion:

- Item 40: Fees & Charges 2024-25
- Item 41: Weed Management

36.2 The Democratic Services Officer confirmed that the items listed above had been reserved for discussion and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 42: Procurement of Liquid Fuel

37 PUBLIC INVOLVEMENT

b) Public Questions

1) DBS Checks

37.1 The questioner did not attend the meeting to put the question.

2) Glyphosate

37.2 Steve Gelliot read the following question:

“The report on possible return to use of glyphosate contains insufficient science about the safety of this known carcinogen including links to non-Hodgkin’s lymphoma. Any use of pesticides is well known to have a harmful impact on our biological diversity that also exists on our pavements and roads – not just our green spaces and parks. Can the Chair please offer more detail on how wildlife more broadly will be affected by these plans and reconsider the return to use of this harmful chemical?”

37.3 The Chair provided the following reply:

“Thank you for your question. Local authorities rely on guidance from national and international regulatory bodies when determining policy. Glyphosate is considered safe to use by the WHO, the EU and the UK Health & Safety Executive. Almost every local authority uses it to control weeds on pavements and roads.

One of the options for Committee to consider is the newer approach of a controlled-droplet application. This involves mixing the glyphosate with an oil that helps it stick to the weeds. This is a more targeted approach that limits the drift of a traditional ‘mist’ and uses less glyphosate, reducing the risk that it harms plants or wildlife that it’s not intended to come into contact with.

We are not proposing to use it in parks, on verges or any other green spaces. This will be targeted only at visible weeds on the pavement or road.

There are several large scale projects in the city where we are able to do focused work on biodiversity, such as Wildling Waterhall and the City Downland Estate Plan. It was great to have you involved at the recent Downland Advisory Panel meeting – for me personally, restoring wild chalk grassland and moving farming towards a more sustainable and regenerative future is one of the main reasons I wanted the role of Environment Chair.

These initiatives are helping to restore and protect significant local habitats. In more urban areas, the introduction of wilder verges and B Banks, as well as new Biodiversity

New Gain guidelines for development, are allowing different animal and plant species to flourish in the city centre”.

37.4 Steve Gelliot asked the following supplementary question:

“Will you put more specific limits on how long you’re going to use it for and where you are going to target it?”

37.5 The Chair provided the following reply:

“We are in uncharted territory here because as far as we know, we are the only authority that has had a weed problem that has gone unchecked for so long. So, what we really is a reset to get the problem under control and then assess where problems are more persistent in different parts of the city. What we’re all united on is we want to use as little of this as we possibly can for all the reasons we’ve discussed today and also financial reasons. So, we’ll be looking to reduce levels to as minimum as possible and that’s a firm commitment from us”.

3) Verges

37.6 Vanessa Barden read the following question:

“Will the council reconsider the current practice of allowing narrow grass verges adjacent to pavements in residential areas to go to seed? This is because this practice is considerably worsening weed growth in pavements. Mowing these verges before they go to seed would reduce the use of glyphosate therefore”.

37.7 The Chair provided the following reply:

“Creating a better habitat for wild flowers and insects is part of the council’s commitment to helping nature recovery. Nationally nearly half of the country’s wildflowers can be found on road verges and, with the shallow chalk soils in some parts of the city, ours can be particularly beautiful and diverse.

I appreciate that the spread of wildflowers from the verges is part of the problem with weeds on the pavements. We do mow around the perimeters of larger verges but on the narrower verges it is all or nothing.

We will be reviewing mowing regimes as part of a set of preventative steps we are exploring, but we want to do everything we can to protect biodiversity and would not want to lose these important habitats”.

c) Deputations

1) Patcham Flooding

37.8 The Committee considered a deputation outlining problems caused by flooding in Patcham.

37.9 The Chair provided the following response:

“Firstly, I absolutely agree with your opening comments. The situation in Patcham is neither normal nor acceptable and we have to find a solution.

The issue here, as I’m sure you know, is that these flood events are caused by the sewage system, which is the responsibility of Southern Water, becoming overloaded due to surface water entering the sewer.

The Council is the Lead Local Flood Authority and as such has the responsibilities to manage surface water and groundwater flooding. The Council does have strategies and plans relating to these types of flooding, but the solution ultimately will involve collaboration between Southern Water and the council. Whilst some collaboration clearly already takes place, my view is that we need to be working more closely to resolve this and other issues around the city.

The flood risk management team have approached Southern Water to meet and discuss opportunities to manage this issue. I personally am trying to forge a more productive relationship and more technical relationship with Southern Water and I know officers are keen to take that forward. These are shared problems – we all want to see an end to sewage being discharged into the sea and the risk of flooding in our communities across the city reduced, particularly in light of alarming changes in weather patterns and more regular extreme events.

We are working with Southern Water in mapping areas around the city which would be suitable for the construction of Sustainable Drainage Systems. These will assist in reducing the volume surface water entering the sewers, which in turn will reduce the risk of the sewers being overwhelmed and surcharging.

With respect to the Royal Mail site, the Lead Local Flood Authority as a statutory consultee could only review the evidence provided to support the planning application.

As such a decision was made to recommend the application for approval subject to several conditions, as detailed in the planning response. One condition was that Southern Water needed to provide approval for the discharge into the sewer system.

Just as an aside, I think the last time we spoke- there is incredible expertise in your community. I know because I’ve sat around the table and heard lots of technical things that went way over my head so we took it forward and were trying to get you and your group of residents and council officers to really look at this again. I don’t know if that has happened by if it hasn’t, then we should pick it up and make sure it does happen as soon as possible”.

37.10 **Resolved-** That the Committee note the deputation.

38 ITEMS REFERRED FROM COUNCIL

c) Deputations

1) Wish Park

38.1 The Committee considered a deputation referred from Full Council requesting improvements to Wish Park.

38.2 The Chair provided the following response:

“Firstly, I’m very disappointed that things have not moved forward substantially since you brought this petition to Full Council. I want to thank you for pursuing this and acting so diligently on behalf of the communities who use Wish Park.

Multiple factors have conspired to create the current situation, and I recognise that it has not been handled well by the council. I’m not going to regurgitate my response from Full Council. I have contacted the relevant officers in order to get things moving again, and I see there has been further contact this morning.

I understand that senior officers are due to visit the park, and I will be receiving a proper update on Thursday this week.

In the meantime, I’m going to request an officer report to look at the various things that have gone wrong here.

Please continue to copy me into correspondence. In addition, Cllr Winder, our lead on Parks and Green Spaces, and myself will be very happy to meet with you and residents at the park.

We clearly need a solution here, and you’ve done a very good job of keeping it on the agenda”.

38.3 **Resolved-** That the Committee receive an officer report on the matter.

39 MEMBER INVOLVEMENT

b) Written Questions

1) Bulky Waste Charges

35.1 Councillor Shanks read the following question:

“Your manifesto states that your party intends to bring about an end to collection charges for bulky waste. Can the Chair explain how this proposal fits with the recent independent auditor’s report which encouraged the council to consider increasing fees and charges wherever possible to address the looming budget deficit facing the city?”

35.2 The Chair provided the following reply:

“We would love to see charges for the collection of bulky waste reduced. In fact these charges are included in today’s report on Fees and Charges, and you will no doubt have seen that these will remain frozen, while most other things are increasing.

If the charges for bulky waste collection are too high, it is highly likely that fewer people will use the service. Residents who don’t have access to a vehicle are then more likely to dispose of items in other ways, and we would likely see an increase in fly-tipping.

Cleaning up the city after years of the basics being neglected is a top priority for this administration, and so you would expect allocation of budgets to reflect that. We will be looking at bringing the charges for bulky waste down but, as you are aware, we are currently in the process of finding an unprecedented amount of savings in order to bring a balanced budget for 24/25”.

2) Dogs Being Poisoned on the Beach

35.3 Councillor Shanks put the following question:

“I was concerned to read recent reports of dogs becoming seriously unwell after visiting the seafront in Hove. I understand the council has launched an investigation. Can you update us to any findings, and outline what form this type of investigation takes?”

35.4 The Chair provided the following reply:

“Thanks for your question. Yes, this was a very worrying incident and I hope the dogs involved have made a full recovery.

Seafront Officers carry out daily patrols of the seafront providing safety advice for beach users and identifying hazards.

If the Seafront Office find or have high concerns about pollution on any beach in Brighton and Hove they will work alongside the Environment Agency, Maritime and Coastguard Agency, Marine Management Organisation and other stakeholders to put safety measures in place and investigate the cause.

This has been done in the past and involved collecting samples to be sent to the EA for testing.

However, in this case there was nothing found on inspection and no sign of anything untoward on any of our beaches. Clearly though, there was something untoward and we will continue to try and ascertain what happened.

The Seafront Officers have been monitoring the area daily and have no reasons to currently be concerned”.

3) Pocket Park Street Planters

35.5 Councillor Shanks read the following question:

“The council committed to establishing a series of pocket parks around the city, particularly in areas where cars are being parked on pavements. These pocket parks are being funded by residents. However, I am aware that currently, none are being approved due to the understandable worry that the council will have to take on the costs for maintenance and possible removal at a later date as has happened in the past. I understand a Department for Transport report, that includes a Manual for Streets, is being drafted to include legal agreements between the council and resident groups, that might include a deposit to cover future costs. When can we expect this report and action to get more planters in place as many residents are keen to improve their car-heavy areas with natural planting?”

35.6 The Chair provided the following reply:

“Planter and Pocket Parks are an important part of the street scene and, when supported, can improve the visual appearance of an area. Due to limited budgets, the council is unable to install and maintain planters but welcomes applications from Resident groups or organisations who wish to support a planter or pocket park on the public highway.

A Street Scene Policy report is being presented to the next Transport and Sustainability committee. The report includes proposals to consult with various stakeholders so a clear and workable policy to allow Planters and pocket parks to be installed is developed.

Once consulted on and approved, this policy will set out how community groups can apply to install a planter and the requirements needed to protect council budgets, whilst making sure any planters installed are well maintained and safe”.

40 FEES & CHARGES 2024-25

35.1. The Committee considered a joint report of the Executive Director for Housing, Neighbourhoods, & Communities; Executive Director, Economy, Environment & Culture; Executive Director of Adult Social Care & Health that set out the proposed 2024/25 fees and charges for the service areas covered by the City Environment, South Downs & The Sea Committee in accordance with corporate regulations and policy.

35.2. Councillors Theobald, Grimshaw and Burden asked questions and contributed to the debate.

35.3. Resolved-

- 1) That Committee agrees the proposed fees and charges for 2024/25 as set out within the report.
- 2) That Committee delegates authority to the Executive Director of Economy, Environment & Culture (in relation to paragraphs 3.5 - 3.12), the Executive Director of Health & Adult Social Care (in relation to paragraphs 3.13 – 3.17) the Executive Director of Housing, Neighbourhoods & Communities (in relation to paragraphs 3.18 - 3.20) to change fees and charges as notified and set by central Government during the year.

41 WEED MANAGEMENT

35.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that provided an update and asked Committee to consider a change in policy regarding the management of weeds in the city.

35.2 Councillors Muten, Robinson, Winder, Galvin, Burden, Rowkins, Shanks, Grimshaw, Fowler and Theobald asked questions and contributed to the debate.

35.3 Resolved-

- 1) That Committee note the contents of this report and its appendices.
- 2) That Committee agrees to continue with the current policy not to use glyphosate in the city's parks and open spaces, as described more fully in paragraph 3.15. The exception to this is when it is used to manage invasive species.

Note: Councillors Shanks requested their vote against the recommendation be recorded in the official record.

42 PROCUREMENT OF LIQUID FUEL**Resolved-**

That the Committee:

- 1) Approve the procurement for the supply of diesel and AdBlue, based on the most competitive rates for the next 3 years + 0.5 year extension period.
- 2) Grants delegated authority to the Executive Director for Economy, Environment and Culture to carry out the procurement and award of the contract referred to in 2.1 above.

43 ITEMS REFERRED FOR FULL COUNCIL

- 43.1 No items were referred to Full Council for information.

The meeting concluded at 6.00pm