

DEPUTATIONS FROM MEMBERS OF THE PUBLIC

Three deputations have been submitted directly to the Environment Cabinet Member meeting. A period of not more than fifteen minutes shall be allowed at each ordinary meeting for the hearing of deputations from members of the public. Each deputation may be heard for a maximum of five minutes following which the Cabinet Member may speak in response. The deputation will be thanked for attending and its subject matter noted.

- (a) Deputation concerning parking management for Brighton & Hove – Mr Robert Rosenthal (Spokesperson)**
- (b) Deputation concerning byelaws relating to pleasure grounds, public walks and open spaces – Mr M Murray (Spokesperson)**
- (c) Deputation concerning an application to have Tivoli Crescent North (Withdean Road to Tivoli Crescent section) included within Brighton & Hove Council controlled parking Zone A – Peter Meekings (Spokesperson)**

One deputation has been referred from Council on 15 July 2010. The Cabinet Member will note the response given at that meeting and provide an update where appropriate.

- (d) Deputation concerning byelaws relating to pleasure grounds, public walks and open spaces – Sandra Magson (Spokesperson)**

(a) Deputation concerning parking management for Brighton & Hove – Mr Robert Rosenthal (Spokesperson)

THE PROBLEM

1. Excessive car ownership and multiple car households.
2. Street space used for long term parking by garages, traveller and recreational vehicles as well as abandoned vehicles.
3. Piecemeal CPZs/Resident Parking Schemes which create local conflict and displace long term parking, multiple household vehicles and those unwilling to pay for permits to neighbouring areas.

THE SOLUTION: A CITY-WIDE SOLUTION

1. Every household to be issued with one FREE vehicle parking permit.
2. The existing system of a patchwork of separate zones would be phased out to be replaced by a simple 'inner' and 'outer' zone system to protect central residents and deter drive-ins to the centre.
3. Households without a car can return the permit for a rebate on Council Tax. This allows the Council to reward households without vehicles. The amount of the rebate to be significantly greater than the cost of an additional permit (see 3 below) to deter a black market in permits.
4. Any household can apply and pay for additional permits. This allows Councils to deter any household from multiple vehicle ownership. Each successive additional permit should cost incrementally more than the previous. The extent of the incentive /disincentive can be varied as the scheme progresses.
5. Trade vehicles have to pay for permits to park on the road as they do at present.
6. The entire city is included in this plan.
7. Vehicles park anywhere that is permitted.
8. No demarcation of parking spaces, white lines, signage and posts or parking permit machines are necessary. No associated costs are therefore involved. EXCEPT in key tourist locations eg seafront where visitor/resident shared bays continue to be used.
9. Wardens patrol streets as at present, issuing tickets to any vehicles without valid permits.
10. Visitor permits to be bought from newsagents as scratch cards, by mobile phone or bought online. No additional machines are necessary.
11. The cost of permits and parking wardens to be accrued from parking fines and purchase of additional permits.
12. Council to provide low cost, off road long term parking space away from residential areas in peripheral sites. Possible sites to be investigated.

(b) Deputation concerning byelaws relating to pleasure grounds, public walks and open spaces – Mr M Murray (Spokesperson)

1. It is now thirteen years since the Unitary Authority of Brighton & Hove City Council has been in being and it has become increasingly clear that the old, but extant, byelaws of the former Brighton Borough Council relating to Pleasure Grounds, Public Walks and Open Spaces have become increasingly unenforceable. As a result, the behaviour of a growing minority of the users of the excellent facilities the citizens enjoy has come to blight the pleasure of the majority.
2. This irresponsible behaviour has become especially noticeable in Stanmer Park and the Stanmer Park Stakeholders Group resolved to bring the matter to the attention of the Council by preparing a set of proposed byelaws to cover all the areas of most concern and repeated abuse.
3. The attached draft proposal (Item 20(b) Appendix 1) has been prepared by a legal executive member of the Friends of Stanmer Park in consultation with the Brighton & Hove Environmental Action Group and the Stanmer Park Stakeholders Group. It is based on the original Brighton Borough Council byelaws, a number of other Local Authority recent byelaws and the 2006 recommended example byelaws issued by the Office of the Deputy Prime Minister.
4. It is requested that these proposed byelaws be referred to officers for further refinement and public consultation before, hopefully, being adopted by Council. Furthermore, it is strongly recommended that they should then be published on the Council's excellent website.

(c) Deputation concerning an application to have Tivoli Crescent North (Withdean Road to Tivoli Crescent section) included within Brighton & Hove Council controlled parking Zone A – Peter Meekings (Spokesperson)

- Since the creation of Parking Zone A in Oct 2009, Tivoli Crescent North, which lies just outside the northern border of the Zone, has suffered extreme overcrowding of parked cars due to :
 - commuter car users not wanting to pay the charges in Zone A and therefore parking just outside the zone
 - residents in Zone A not wanting to pay for a Residents Permit and therefore parking just outside the zone
 - residents in Zone A with cars and vans they only use occasionally 'dumping' those vehicles for long periods of time just outside the zone.
- In October 2009 the residents of Tivoli Crescent North formed an 'action committee' which lobbied local Ward Councillors and in November 2009 submitted a petition to B&H Council asking for the introduction of controlled parking in Tivoli Crescent North. We were told no further controlled parking arrangements would be made in our area for at least 3 or 4 years.
- The congested parking in Tivoli Crescent and Tivoli Crescent North became so bad that it created a dangerous blind junction between these two roads which required the introduction of yellow lines at the junction in May this year. This, of course, meant cars and vans displaced from this stretch of road causing *further* parking congestion in the rest of Tivoli Crescent and Tivoli Crescent North.
- Upon learning recently that residents of Tivoli Crescent were continuing to campaign to be included in Zone A, we have canvassed all residents in Tivoli Crescent North and of the 26 households, 23* (88%) have signed a petition requesting that Zone A be extended to Tivoli Crescent North between Withdean Road and Tivoli Crescent for the following reasons :
 - to stop *exactly the same* parking overcrowding currently experienced in Tivoli Crescent North as is being experienced in Tivoli Crescent
 - to prevent the *further* chronic over-spill parking in Tivoli Crescent North that would *certainly* take place if Tivoli Crescent *alone* were included in Zone A.
 - to give residents of Tivoli Crescent North access to street parking within a reasonable distance of their home
 - to maintain a unity between Tivoli Crescent and Tivoli Crescent North
 - to encourage commuters to use the extensive and under-utilised Zone A parking provided for them in Woodside Avenue and Hampstead Road

This request from the residents of Tivoli Crescent North is not a knee-jerk reaction to the application from our neighbours in Tivoli Crescent but a *re-statement* of the desire expressed in the petition we submitted to the Council in November 2009 for controlled parking in our road.

* Of the three non-signatories, 79 Tivoli Crescent North is currently unoccupied and the occupants of 85 Tivoli Crescent North are on holiday.

(d) Deputation concerning the reinstatement of dog-free zone in Queen's Park – Amanda Brace (Spokesperson)

This deputation is presented jointly by The Friends of Queens Park and Queens Park Local Action Team on behalf of users of Queens Park and local residents.

The Council is being asked to re-establish the historic balance that existed prior to January 2009 between dog owners and other users of the park by restoring to the south lawns, cascade & pond areas, wild and quiet gardens and tennis courts, 'dog-free' status.

Since the mid-1970s and following a popular community campaign highlighting the problem of dog fouling in the park, the above areas were a 'dog-free' zone, leaving the whole of the northern lawns below West Drive as an area for exercising dogs. The arrangement operated very successfully for a period of 30 years. Both dog owners and other park users respected the arrangement which as a consequence was self-enforcing, achieving a balance of need for all park users.

In January 2009 new dog control orders came into force overturning this historic arrangement and making the whole of the park, with the exception of the children's play area, 'dog-friendly'.

As a result an imbalance has now arisen between the needs of those affected by dogs and those seeking to exercise dogs in Queens Park, where none previously existed. Most dog owners valued the previous arrangement which ensured for them an area where they could exercise their dogs freely and without criticism or conflict. The new arrangements have introduced a previously unfelt tension due to people engaging in incompatible activities in a heavily used and compact space.

The new dog control orders cannot compensate for the loss of the 'dog-free' area. The major concern relates to dog excrement raising serious health issues around *toxocariasis* and the unpleasantness of fouling generally. Putting dogs on leads would not resolve this issue.

The park and south lawns in particular, support a wide variety of activities over the year from organised events to individual usage.

For example schools and nurseries in the area use Queens Park for play, sports and educational projects. More than 1,800 children attend schools and nurseries within 5/10 minutes walk of the park. Staff and parents advise they place a high value on having access to the park for a range of learning activities. The Local Authority organises fun days for younger children during the summer months. A local 6-a-side football team set up portable goal posts every Sunday for a supervised game. Friends of Queens Park hold their annual summer picnic in the park. Brighton Festival have chosen the park's south lawn for outdoor installations and entertainments and a local language school regularly brings its students in the early evening for a game of organised rounders during the summer months.

More generally, families and their friends use the South Lawn as a gathering point for picnics; students study and revise; adults and children walk through this area on their way to work, school and nursery. Older people sit on the benches to enjoy the view and sunshine. Singles and groups just relax and/or sunbathe on the grass. Teenagers gather in groups to chat. Grandparents bring their grandchildren to the pond area to watch the squirrels, geese and other wildlife and adults and children engage in games of football, cricket, frisbee etc. These park users value the park as one of the few in Brighton & Hove where they can relax in a dog-free area. They are entitled to and expect an environment that is clean and healthy.

The changes brought about in January 2009 represent a loss of amenity to such park users. The peace, tranquillity and closeness to nature, being a reason they love the park, is placed in jeopardy.

Wildlife in the park has flourished as a consequence of a portion of the park being dog-free for the last 30 years. Biodiversity within the park has been nurtured, especially by the Park Rangers and local wildlife activists, and provides considerable pleasure to many park users. The recent introduction of dogs to sensitive wildlife areas risks reversing these achievements and appears to contravene both the council's own policy on biodiversity and the law. It is a rare privilege that the wild garden has an active badger sett. The Sussex Badger Trust advises that to give free access to dogs to an active sett is likely to be in breach of the 1992 Badger Protection Act. It is also arguably in breach of the council's duty of care to dog owners as illustrated by the severe injury to a Patterdale terrier in April when it went down the badger sett and was mauled. The RSPB advise that giving dogs access to the pond when water birds are nesting may be in breach of the Wildlife & Countryside Act 1981.

This petition in asking for re-instatement of the 'dog-free' area of the park is not an anti-dog proposal and there is no wish to ban dogs from the whole of the park. It is a sensible compromise allowing for a part dog-friendly and part dog-free park that has a history of proven workability. The majority of dog owners approached in respect of the petition have been supportive of re-instatement and recognise the need to strike a balance in respect of the needs of all park users.

Queens Park is a much loved, vibrant and appreciated community park retaining much of its historic elegance and style, and in a sense acting as a back garden for many local residents. What happens in their park matters to local people and the revocation of the 'dog-free' area has caused considerable consternation, dismay and disappointment. The names on the petition numbering over 1,500 reflect the concern and show the support that this issue has engendered in our community.

The park is heavily used with a wide range of demands being made upon a relatively small space. The large number of park users and dog owners in such a small park makes the concept of a 'shared space' impracticable as opposed to larger parks where it may be possible.

Re-instatement of the dog-free area would incur no additional cost to the Council and the area is already fenced. Indeed a cost saving would result as a dog-free

area would avoid the need for installation of additional bins for dog waste around the pond, south lawns, tennis courts and wild garden where none currently exist.

We urge the Council to support the reinstatement of the dog-free area and to instigate the appropriate action as soon as possible.

Response from Councillor Theobald at the Council on 15 July 2010:

“Thank you very much for the way in which you presented the Deputation and for the letter which I know you have sent to all my colleagues.

The council reviewed the bye-laws, as you said in your Deputation, throughout the city in 2007/2008 because the previous bye-laws in Brighton and Hove were inconsistent, confusing and often difficult to enforce. There were two extensive consultations with national publicity. The media took a very keen interest and I have to say that I remember that very well indeed, having been the subject of TV and radio, etc, and there were marches one way or the other.

The consultation complied with best practice guidelines with, as I have already said, very extensive media coverage. There were no formal representations against the change in Queen’s Park and no formal feedback either from residents or the elected Councillors for the area and indeed the council itself approved the new bye-laws at its council meeting on 17 July 2008 without any Councillor querying the change in Queen’s Park.

Actually, just one point, the children’s dog-free play area is a bit larger than it was before and there has been massive investment in the park facilities. I am obviously reluctant to become embroiled in another issue where there are differences of opinion and this subject attracts strong views.

For example, there were two petitions today concerning dog controls in Queen’s Park. One petition asking for a review of the dog control order presented by one of our colleagues and the other petition requesting that dogs are not banned from the southern lawns.

Any change to the current dog control orders will require another careful public consultation process and before embarking upon this I would need to be certain that this is the course of action that the vast majority of residents want. If the Ward Councillors, for instance, can come forward and show to me that there is consensus or that there is a very large majority in favour of change then I would consider the best course of action.”