

BRIGHTON & HOVE CITY COUNCIL**SPECIAL CABINET****4.00PM 28 FEBRUARY 2011****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Simson (Chairman), Brown, Fallon-Khan, K Norman, G Theobald and Young

Also in attendance: Councillor Randall (Opposition Spokesperson)

PART ONE**175. APPOINTMENT OF CHAIRMAN**

175.1 The Strategic Director, Place advised that the Leader of the Council had appointed Councillor Simson, Deputy Leader of the Council, as Chairman for the Special Meeting in her absence. The Leader was absent due to her personal and prejudicial interest in the item under consideration.

176. PROCEDURAL BUSINESS**176a Declarations of Interest**

176a.1 There were none.

176b Exclusion of Press and Public

176b.1 In accordance with section 100A of the Local Government Act 1972 ('the Act'), it was 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 nature of the business to be transacted or the nature of the proceedings, that if members of the press or 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 100I(1) of the Act).

176b.2 **RESOLVED** – That the press and public be not excluded from the meeting.

177. CHAIRMAN'S COMMUNICATIONS

177.1 The Chairman noted that the meeting would be webcast.

178. OPEN MARKET DEVELOPMENT PROPOSAL

- 178.1 The Cabinet considered a report of the Strategic Director, Place seeking approval to appropriate the council land at the Open Market site for planning purposes in line with the Development Agreement for the Open Market scheme proposal.
- 178.2 The Chairman noted that, at it's meeting on 17 February, the Cabinet had agreed to defer the original decision pending further clarification on issues of concern that had not been adequately addressed within the report to Cabinet or the report to the Planning Committee, which , at the time, had just been published. She reported that the Planning Committee met on 23 February and unanimously resolved to approve planning permission for the scheme, subject to the signing of a Section 106 agreement, following clarification and reassurance from the developers over a number of issues. It was now for the Cabinet to decide whether its concerns had been satisfactorily addressed.
- 178.3 Councillor Fallon-Khan explained that the original report had been deferred due to the emergence of additional information. He stated that, given the number of interested parties, it was important to be open and fair and deal with any anxieties. He noted that the Cabinet had not sought to influence the Planning Committee.
- 178.4 In response to questions from Councillor Young in relation to the assurances given by the developers regarding temporary stalls and delivery access, Councillor Fallon-Khan explained that a councillor would sit on the Community Interest Company and would be able to help with any concerns from traders. He noted that Hyde Housing had made every effort to provide the information requested and deal with the concerns raised.
- 178.5 The Chairman noted that the Cabinet's concerns would have been known to the Planning Committee and that, as they had agreed to grant planning permission, they must have been satisfied with the assurances given by Hyde.
- 178.6 The Acting Assistant Head of Law reported that officers had met with Hyde to discuss the Cabinet's concerns, which they listened to and were able to respond to. He advised that all general conditions for the operation of the market, including delivery access, were discussed with traders and that they had formed part of the business case for some time; it was important for Hyde, as landlords, to ensure that the market worked. He noted that the council, as the planning authority, saw the development as a workable scheme.
- 178.7 In response to a query from Councillor Theobald about possible Environmental Health issues raised by residents in the future, the Acting Assistant Head of Law advised that the conditions in the scheme would not prevent such issues being investigated and that Hyde would be responsible for addressing them. He added that Hyde could look at other similar developments and would rely on their own experts to prevent problems arising.
- 178.8 Councillor Fallon-Khan stated that while the enabling housing development was necessary, the priority was guaranteeing the future of the market; he hoped that the emphasis would remain on the market.

- 178.9 In response to a question from Councillor Randall about the decision of the Planning Committee, the Chairman confirmed that, except for two informatives, the scheme had been granted planning permission unamended.
- 178.10 Councillor Young stated that it was essential that the Administration be fully briefed on large scale developments before they reached the Planning Committee so that any concerns could be addressed in good time.
- 178.11 Councillor Theobald stated that he felt that the agreed scheme placed greater emphasis on the housing development and that he was unsure whether it represented the best use of the site.
- 178.12 The Chairman advised that the concerns were shared by all Cabinet Members and that the report had been deferred in order to obtain more information about those issues.
- 178.13 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the project progress described in sections 3 and 7 of this report made since Cabinet approved landowner consent for the project to continue in December 2008 be noted.
 - (2) That approval be given to exercise the City Council's powers of appropriation under section 122 of the Local Government Act 1972 so that the land at the Open Market redevelopment site as identified on the plan at Appendix 1 is appropriated for planning purposes.

The meeting concluded at 4.20pm

Signed

Chair

Dated this

day of

