

**BRIGHTON & HOVE CITY COUNCIL**  
**ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE**

**4.00pm 15 MARCH 2016**

**THE RONUK HALL, PORTSLADE TOWN HALL**

**MINUTES**

**Present:** Councillor Mitchell (Chair) Barradell (Deputy Chair), Janio (Opposition Spokesperson), West (Group Spokesperson), Atkinson, Miller, Nemeth, Robins, Sykes and G Theobald

**PART ONE**

**64 PROCEDURAL BUSINESS**

**64(a) Declarations of substitutes**

64.1 Councillor Sykes was present as substitute for Councillor Greenbaum.

**64(b) Declarations of interest**

64.2 Councillor West declared a non-pecuniary interest in Item 72: The Big Conversation as a current Trustee of Brighton & Hove Environment Conservation Trust that leased a number of properties in Stanmer Park which was one of a number of parks to be consulted under the proposals.

64.3 Councillor Nemeth declared a non-pecuniary interest in Item 74: Official Feed and Food Controls Service Plan 2016/17 as the owner of a business that produced food sold in the Brighton & Hove area.

64.4 Councillor Robins declared a non-pecuniary interest in Item 72: The Big Conversation as a Trustee of the Fresh Start Charity that operated from premises based in Easthill Park

**64(c) Exclusion of press and public**

64.5 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).

64.6 **RESOLVED-** That the press and public not be excluded.

**65 MINUTES**

- 65.1 **RESOLVED-** That the minutes of the previous meeting held on 19 January 2016 be approved and signed as the correct record.

**66 CHAIRS COMMUNICATIONS**

- 66.1 The Chair provided the following communications:

*“I’d like to inform those present that this meeting will be webcast live and will be capable of repeated viewing.*

*Following this committee’s consideration of the item and subsequent requests for Member Workshops, I am pleased to confirm that there will be a Members Briefing session on the Air Quality Action Plan including an update on the latest monitoring and trends held on 21 March and 10 June.*

*I understand that an invitation to these sessions has already been sent to Members and I hope Members of this committee will be able to attend.*

*On 24<sup>th</sup> February I attended a meeting of the Coast to Capital Local Transport Body so will feed back on the decisions taken.*

*There were three procedural items that were agreed as per the recommendations and four items relating to transport schemes.*

*These were two from WSCC where the business cases were accepted and funding allocated for the A259 Littlehampton Improvement Scheme and the A284 Lyminster By-Pass.*

*One maintenance scheme from Surrey CC for the A217 to address localised flooding issues. A further funding bid from Surrey CC was not supported and will be resubmitted at a later date.*

*I would also like to thank two people who have served this committee for a number of years, one as a Member and one as an officer, and who are leaving for pastures new.*

*Jan Jonker is leaving the City Council to take up a post with Worthing and Adur Councils and I am sure that the committee will wish him well in his new role.*

*Councillor Pete West has the honour of being the City’s Mayor from May and has served on this committee for a number of years, including as Chair – so we wish him all the best for an enjoyable Mayoral year”.*

- 66.2 Councillor Theobald expressed his thanks to Jan Jonker who he had found to be an exceptional officer. Councillor Theobald stated that he had always found Jan’s advice and assistance a great help and he wished him well for the future.

- 66.3 Councillor West reiterated the praise expressed to Jan Jonker who he had found to be an officer who worked to the highest professional standard and would be a huge loss to the council and city as a whole.

**67 CALL OVER**

- 67.1 All items on the agenda were reserved for discussion.

**68 PUBLIC INVOLVEMENT****(a) Petitions**

**(i) Saxon Court, Hove motorcycle bay- Angela Atkinson**

68.1 The Committee considered a petition signed by 69 people requesting the removal or relocation of a motorcycle bay outside of Saxon Court, Hove.

68.2 The Chair provided the following response:

*“Thank you for your petition. The removal of the motorcycle bay will be investigated by officers. If it is felt this should be taken forward then this will be included in the next available traffic amendment order which is likely to be in June 2016. This would allow members of the public to make comments on the proposal”.*

68.3 **RESOLVED-** That the petition be noted.

**(ii) Western Road Parking- Amy Kitching, Councillor Sykes**

68.4 The Committee considered a petition signed by 70 people requesting the council to install a loading ban on the stretch of Western Road between Little Western Street and Waterloo Street.

68.5 The Chair provided the following response:

*“Following the petition I will now instruct officers to consider this in the next available amendment Traffic Order. This is likely to be in June alongside a number of other requests throughout the City.*

*Just to clarify we would be looking at implementing a loading ban to prevent any parking in the sections mentioned rather than any bays”.*

68.6 **RESOLVED-** That the petition be noted.

**(b) Written Questions****(i) Communal refuse consultation: Palmeira Square and Adelaide Crescent**

68.7 Susan Hunter presented the following question:

*‘With reference to the possibility of communal rubbish bins being installed in Palmeira Square and Adelaide Crescent, if they are installed and then generate rubbish around them, rather than in them, will it be agreed that these bins can be removed and put outside the Square and Crescent?’*

68.8 The Chair provided the following response:

*“Thank you very much for your question. Following lengthy discussions with residents, members of this committee and ward councillors, both before and after the committee report was published, we will be moving an amendment to the recommendations on the committee report that the council consults residents on the two options of communal containers or a kerb-side sack collection. As part of the consultation residents will be able to suggest other methods.*

*Currently the communal bins in streets adjacent to the squares sometimes fill up quickly as they are used by people living in the squares so the introduction of communal bins would help this situation and there would be capacity for all households.*

*I am pleased to say that we have also stepped up our enforcement activity and now have a dedicated enforcement team that is addressing the fly-tipping in streets, illegal disposal of commercial waste in communal bins and littering. The work of this team will help keep the city, as well as the squares, clean.*

*If communal bins are introduced officers from City Clean will monitor them closely after implementation and take quick action to address any problems.*

*The focus will be in resolving any early issues rather than moving them elsewhere”.*

68.9 Susan Hunter asked the following supplementary question:

*“What actions will be taken should the bins attract vermin as happened with the composting scheme undertaken in Palmeira Square”*

68.10 The Chair provided the following response:

*“If residents were to spot any sign of vermin, then we would hope they would report it really swiftly to Cityclean or to Environmental Health and I can promise you, quick action would be taken”*

**(ii) Communal refuse consultation: Palmeira Square and Adelaide Crescent**

68.11 David Ward presented the following question:

*“In reference to the possible communal bins proposed for Palmeira Square & Adelaide Crescent, “Heritage area of the City”. Will the Council consider screening around the bins, in order to preserve the character of the area? This could be Evergreen Hedging for example”.*

68.12 The Chair provided the following response:

*“Thank you very much for your question.*

*As part of the proposed consultation with residents, the Conservation Advisory Group and the Planning Conservation Officer we will seek views on ways to minimise any impacts associated with communal bins.*

*We have also secured increased budget to maintain and replace communal bins across the city which will help ensure any new bins are maintained to a good standard.*

*Officers are keen to explore any additional options to screen bins for example by using hedging where that is possible. The viability of any such options will be subject to funding which officers are happy to explore with residents and stakeholders”.*

68.13 David Ward asked the following supplementary question:

*“Would the council accept a donation from residents for suitable screening”*

68.14 The Chair provided the following response:

*“I think we would certainly consider that very positively Mr Ward, thank you for your suggestion”*

**(iii) Communal refuse in heritage areas**

68.15 Thomas Chavasse presented the following question:

*“Noting unsustainable presumptions as a basis for seeking permission to re-consult on communal bins, committee is asked to recall the strong heritage advice given to council and the outcome of 2008 in-depth debates on safety and assessments of bin locations and to confirm that:*

*The over-exaggerated health and safety claims are dismissed and the well-established systems retained. Nothing has or needs to change in these densely populated heritage areas and the officers are harking back to a lost cause and their report even presumes an outcome which omits consideration of retaining the well-established status quo. So why consult?”*

68.16 The Chair provided the following response:

*“The reason that the committee is being asked today for permission to consult on the potential installation of communal bins in the squares is that the current practice of collecting sacks from basements is not safe. Thankfully there has only been one accident in recent years which did result in the employee being off work for two weeks.*

*However, the council has a legal and moral duty to ensure that risks to its employees are minimised as far as practicable. We cannot simply wait around for further accidents to happen in the full knowledge that there are systems available to us now to better contain waste and make collections safer and more hygienic.*

*There are roughly 2,000 properties on basement collections and if each property put out an average of just two sacks per week that equates to 4,000 sacks of rubbish being hauled up basement steps. Not only do the steps present a trip hazard, especially in the wet and dark but there are risks of injury from sharp objects protruding from the bags, many of the storage areas are low and unlit and there are hazards of vermin.*

*These risks are not over exaggerated which is why retaining basement collections is not an option”*

68.17 Thomas Chavasse asked the following supplementary question:

*“Will committee agree that the proposal to discuss recycling bins and impose refuse bins on the inadequate basis of a hyped health and safety assessment puts the con in consultation?”*

68.18 The Chair provided the following response:

*“What this is about is balancing the heritage nature of the squares with our duty to staff and we do regularly have staff that come to us with a grievance towards the council because of the poor working conditions and dangers associated with basement collections and they are always fully supported by their union in making those grievances. We cannot simply ignore the situation and longer and as part of the consultation we are proposing, the heritage considerations will be taken into account.*

*We will consult with the Conservation Area Advisory Group and to seek their advice as part of that consultation but we also have to balance that with our duty to our staff*

**(iv) Communal refuse consultation: Palmeira Square and Adelaide Crescent**

68.19 Mike Kingston presented the following question:

*“Will the Council withdraw proposal 70 whilst:*

- 1. An independent financial assessment of the policy is carried out to accompany any proposal. This assessment to include the financial benefits of properly maintaining the conservation and historic areas of Brighton and Hove.*
- 2. A proper consultation is carried out as promised by council officers in a public meeting and confirmed by way of email from City Clean dated 11 July 2012”.*

68.20 The Chair provided the following response:

*“A financial assessment of the proposals to introduce communal collections has not been carried out because this proposal is not financially driven. The reason for the proposals is to address the Health and Safety issues arising from basement collections which cannot continue.*

*I am a bit unclear what you mean in relation to you question about assessing the financial benefits of properly maintaining the conservation and historic areas of Brighton and Hove in relation to this specific proposal.*

*We have been clear about the issues and risks from basement collections. An amendment will be moved to the recommendations on the report for the council to consult on the two options of having a communal collection or kerb-side sack collection. Residents will be able to suggest other methods as part of that consultation”.*

68.21 Mike Kingston asked the following supplementary question:

*“Our responsibility as residents and councillors is to preserve and enhance our conservation and heritage areas. How will this policy continue to enhance our areas for years to come?”*

68.22 The Chair provided the following response:

*“We are balancing the heritage aspects of the Squares against the need to progress a modern refuse collection service. Hauling sacks up from basements is not part of the way forward and we have to balance the risks to staff. In my ward in Kemptown I have heritage squares, they have had communal bins for some time now and they are working very well indeed”.*

**(v) Communal refuse consultation**

68.23 Fiona Bower presented the following question:

*“A senior Council officer advised at least one local residents’ group that the Council would consult on whether to have communal bins in seafront squares with listed building status. Where they would be situated would have been a secondary question. There*

*was no reference to black sack kerbside collections. Can the Environment, Transport and Sustainability Committee now give assurance that the communal bins consultation will adhere to conservation advice and guidance, given the Grade I Listed status of Brunswick Square and Terrace?*

68.24 The Chair provided the following response:

*“Thank you for your question.*

*It is considered that the only two options with the ending of basement collections would be either communal bins or a black sack collection from the kerbside rather than the basements.*

*I know that officers have been working with resident groups in advance of the consultation in order to bring them up to speed on why the collections from basements cannot continue and a number of meetings have taken place to discuss possible locations.*

*As I have said in response to other questions this evening, following further discussions with officers and councillors we will be moving an amendment to the published recommendations for the council to consult residents on the two options of communal collections or a kerbside sack service. As part of that consultation residents will be able to suggest other methods”.*

68.25 Fiona Bower asked the following supplementary question:

*“By banning basement bins collections for health and safety reasons, the council is transferring a weekly risk from four Cityclean employees to a daily risk to children and adults using Brunswick Square. Communal bins will block sight-lines, increase heavy traffic around the Square and risk the lives of young children who dart in and out of the gardens of the Square on to the road. Should the council introduce communal bins and there is an accident, fatal perhaps, will they be removed?”*

68.26 The Chair provided the following response:

*“Any placement of communal bins is done extremely carefully, incorporating a risk assessment to its siting. Highways considerations are taken into account, highways officers are consulted about things like sightlines. As I have said, communal bins have been sited in many other areas of the city and the council does have experience in doing such. If there is a serious problem with the siting of a bin then that would be investigated promptly and another location would be considered”.*

**(vi) Saltdean Oval toilets**

68.27 Cathy Gallagher presented the following question:

*“Can we in Saltdean have your assurance that there will be no change to the status of the Saltdean Oval toilets without full community consultation with both residents and ward Councillors. Furthermore can you confirm that the information on which the recommendation for closure was made has been independently verified and can you supply full documented details?*

*If the recommendation for closure was not based on verified information, what was the basis of the decision? Was it purely financial?”*

68.28 The Chair provided the following response:

*“Thank you for your question.*

*In 2015/16 the council agreed to reduce the budget for public toilets by £165,000 in 2016/17 so officers had to work up proposals to deliver those savings.*

*The only way that savings of that magnitude can be realised is by either reducing opening hours or by closing some sites completely.*

*We worked hard during the budget setting process to find ways of reducing that overall saving amount with additional funding having been identified by both Labour and Conservative Councillors.*

*With those changes, the saving requirement is now £40,000 and officers are currently working up revised proposals to achieve the saving with minimal impact on the service and details will be available soon.*

*The recommendations of toilet closures are made by officers and based mainly on levels of usage that can be measured by people counters but mainly by water usage. Proximity of other sites is taken into account. I will ask officers to send you the information that they have.*

*I am pleased to say that we have secured £1.5m capital investment in our toilets which will significantly improve their standard. We are currently drafting a business plan to support the provision of public toilets for the future.”*

68.29 Cathy Gallagher asked the following supplementary question:

*“Saltdean welcomes the Big Conversation on Open Spaces strategy and we are as a community formulating our own plans. As our public toilets in our only public park are on the condemned list with no suitable alternative, what is the timescale for Saltdean’s Big Conservation to start?”*

68.30 The Chair provided the following response:

*“At the moment I can’t give you a clear answer on how that £40,000 residual saving is going to be made. Officers are working on that and there will need to consultation with ward councillors in areas where those savings might be achieved. As soon as we have that information, we will inform you. We will send you the information in relation to you question about how conclusions on original savings were arrived at”.*

**(c) Deputations**

**(i) Deputation to support the offer of funding for a children’s playground in Stanmer Park- Jamie Hooper**

68.31 The Committee considered a Deputation that made Members aware of an offer of funding via the Fields in Trust charity to provide playground equipment in Stanmer Park.

68.32 The Chair provided the following response:

*“Thank you very much for your Deputation.*

*I understand that the donation would come from you personally and be channelled through Fields in Trust so I would like to also thank you for your generosity.*



*The council is facing significant budget constraints and later on the agenda we will be considering a report to look at how we can protect our parks and open spaces in light of reducing resources. In this financial climate donations for playgrounds are particularly welcome.*

*Officers have spoken to you about the practicalities associated with your donation and things that need to be considered are that any play area is designed and located to fit in with the overall Masterplan for the Estate and as you know, that Masterplan is being drawn up in conjunction with the National Park, with Heritage England, with other stakeholders within the park and of course, we will obviously work with children on the design.*

*We also need to make sure that if any new play areas are built maintenance costs are minimised and on-going maintenance is secured. In the current climate our budgets are insufficient to maintain all our existing play areas so this is something we have to consider carefully before agreeing new sites. These are all issues that will be addressed in our forthcoming Open Spaces Strategy.*

*Officers will work on your proposal which will need to come back to a future committee for decision. As you are aware the Stanmer HLF deadlines are tight so it probably won't be possible to bring a report to the June meeting but all being well officers will work to bringing a report back in the autumn."*

68.33 **RESOLVED-** That the Deputation be noted.

## **69 MEMBER INVOLVEMENT**

### **(c) Letters**

#### **(i) Speeding on Bush Farm Drive, Downs Park Estate, North Portslade- Councillor Atkinson**

69.1 The Committee considered a letter requesting that an urgent traffic survey study be undertaken at busy times in Bush Farm Drive to consider measures to reduce speeding on Bush Farm Drive.

69.2 The Chair provided the following response:

*"Thank you very much for your letter. Road Safety Officers have visited to look at the situation.*

*Due to limited budgets, resources are, in the main, targeted at those areas or roads where there is a history of collisions, especially those causing injury.*

*Thankfully this is not occurring in Bush Farm Drive but the situation that you outline is very concerning and I am asking officers to keep this area under review in relation to any possible mitigating measures that could be considered".*

69.3 **RESOLVED-** That the Letter be noted.

### **(d) Notices of Motion**

69.4 The Committee considered a Notice of Motion referred from the Full Council meeting held on 28 January 2016 requesting it review land use of the city's downland estate from the perspective of reducing flood risk in the city.

69.5 The Chair provided the following response:

*“Following receipt of the Notice of Motion, I requested a briefing from officers detailing the actions taken by the council in response to recent flooding incidents on our downland estate.*

*That briefing provided assurance to me that all necessary actions had been undertaken in response to those events and in diminishing the likelihood of a repeat of those events. But in addition, following a review of the events last year, this committee agreed a comprehensive flood risk management strategy that was approved and there are also flood mitigation policies in the City Plan that will be debated at Full Council next week. So I would have concerns about undertaking officer duplication on this.*

*I will be circulating the lengthy briefing note to Members of the committee detailing that information subsequent to this meeting.*

*On that basis, I propose that this committee note the request- do Members agree?”*

69.6 Councillor Sykes noted that he had submitted the Notice of Motion to Full Council and he was grateful to the Chair for providing information on what action was being undertaken to mitigate flood risk. Councillor Sykes noted that the purpose of the Motion was because there were very detailed engineering solutions and proposals to address flood risk but no reference to natural flood risk defences including tree planting however, he was satisfied with the assurance given.

69.7 **RESOLVED-** That the Notice of Motion be noted.

## **70 PERMISSION TO CONSULT ON EXTENSION OF COMMUNAL REFUSE AND RECYCLING**

70.1 The Committee considered a report of the Acting Executive Director, Environment, Development & Housing that sought agreement in principle to the introduction of communal refuse collection in the three Regency Squares subject to consultation with residents on their locations and options to minimise visual impact. The report also sought permission to consult on communal recycling in those areas and to consult streets that received kerbside black bag collections on the implementation of communal refuse and recycling collections.

70.2 The Chair moved a joint Labour & Co-operative Group and Conservative Group motion to amend recommendation 2.2 and to delete recommendation 2.3 as shown in bold italics as follows:

2.1 That the Committee notes that the existing collections from basement properties are considered to present a significant risk to staff which the council has a legal duty to minimise as far as reasonably practicable.

2.2 ~~That the Committee agrees in principle to the introduction of communal refuse collection in Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent~~

- 2.2 ***That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent on the alternative options for refuse collection, namely communal collection and bin locations or kerbside black bag collection.***
- ~~2.3 That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent on the potential locations of communal bins.~~
- 2.4 That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent on communal recycling.
- 2.5 That the Committee approves consultation with the residents of Westbourne Street (southern end) Beaconsfield Road and Viaduct Road on the implementation of communal refuse and recycling collection as an alternative to kerbside refuse and recycling collections
- 70.3 Councillor Janio formally seconded the motion. Councillor Janio stated that whilst there was a duty upon the council to preserve the historic squares of the city, it also had a duty of care to its workforce that had to take priority in this instance. Councillor Janio hoped that a discussion could take place with residents by way of mitigating the sight of the bins.
- 70.4 Councillor Sykes moved a motion on behalf of the Green Group to amend recommendation 2.2, delete recommendation 2.3 and amend recommendation 2.4 as shown in bold italics below:
- 2.1 That the Committee notes that the existing collections from basement properties are considered to present a significant risk to staff which the council has a legal duty to minimise as far as reasonably practicable.
- 2.2 ~~That the Committee agrees in principle to the introduction of communal refuse collection in Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent~~
- 2.2 ***That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent on the options for refuse collection, namely communal collection and bin locations or kerbside black bag collection or the current method of collection.***
- 2.3 ~~That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and~~

~~Terrace and Palmeira Square and Adelaide Crescent on the potential locations of communal bins.~~

- 2.4 That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent on **either continuing with the current method of collection or introducing** communal recycling.
- 2.5 That the Committee approves consultation with the residents of Westbourne Street (southern end) Beaconsfield Road and Viaduct Road on the implementation of communal refuse and recycling collection as an alternative to kerbside refuse and recycling collections
- 70.5 Introducing the amendment, Councillor Sykes explained that the option for black bin bag collection from the pavement as detailed in the joint motion was not, in his view, a serious alternative. The bags would very likely be split by seagulls and foxes leading to mess and therefore his group could not support the motion. Councillor Sykes stated that the Green Group motion offered the status quo as an option as that would represent a fair and open consultation exercise to residents. In relation to the case made on health and safety grounds, Councillor Sykes commented that it was unfortunate that the committee had not received the relevant risk assessment to help inform them. Councillor Sykes noted that there had been only one reported health and safety incident in 13 years which he believed did not present an overwhelming case for the measures proposed. Councillor Sykes stated that he had consulted with the union representing Cityclean staff and had found they too were not particularly supportive of the measures proposed and had not received lobbying from their staff. Councillor Sykes supplemented that the consultation as proposed did not provide options but imposition. Furthermore, the change in direction of the consultation had only been communicated to residents and ward councillors in the past week and was in conflict with the discussions that had taken place up until this point. Councillor Sykes believed that the committee had an obligation to residents to carry out a full, unrestricted consultation and the subsequent report should detail heritage impact, a full breakdown of financial implications, resident opinion and a full risk assessment.
- 70.6 Councillor West formally seconded the motion. Councillor West stated that he did not believe the case for change based on health and safety grounds had been made. Councillor West stated that the Cityclean staff union had not received representations and the committee had not been provided the full risk assessment meaning it did not have full information before it. Furthermore, the council had an obligation to provide a full options consultation to residents as a matter of fairness and respect. With regard to Viaduct Road and Beaconsfield Road, this case differed as residents were asking for communal refuse and an issue that had his full support.
- 70.7 The Head of Health & Safety stated that in relation to those aspects, there was always a difficult risk management balance. Accidents occurring over time were not the only measure of assessment and exposure to risk and harm also had to be taken into account. Furthermore, the council had a duty to constantly review its safety management procedures and had to consider safer alternatives to current and established practices where they were available.

- 70.8 The Head of Projects & Strategy stated that regular meetings had been held with the best intention to keep residents informed of the proposals and an informal meeting had been held to discuss possible bin location. The Head of Projects & Strategy clarified that the proposals were not driven by savings and that was clear within the report. Furthermore, a number of discussions had been held with staff regarding the potential health and safety risks that refuse collection at the locations presented and the subject had been the matter of employment grievances made by a member of staff who had been fully supported by their union through that process.
- 70.9 Councillor Miller noted his support for the joint Labour & Co-operative and Conservative Group amendment as it would provide some options for residents. Councillor Miller stated that he was aware of the risk of slippage on the stairs around the heritage squares as he had done so himself. Councillor Miller asked if it was possible to view the consultation documents before they were sent to residents and if collections could be increased to prevent loss of parking space.
- 70.10 The Head of Projects & Strategy stated that once the draft consultation documents had been compiled, they would be shared with ward councillors and resident associations before being distributed. Refuse collections could certainly be maximised to reduce the impact upon parking.
- 70.11 Councillor Barradell stated that she lived near to a conservation area so understood the concerns raised. Councillor Barradell noted that the committee had recently agreed enforcement measures that would significantly reduce incidents of fly-tipping across the city. Furthermore, Councillor Barradell observed that the refuse bins were not a permanent feature and could be moved to a different, appropriate location should objections be received from residents.
- 70.12 Councillor Robins asked if that if the committee refused the report recommendations and the status quo continued in relation to refuse collection, who would be accountable should there be an accident suffered by a member of council staff.
- 70.13 The Head of Health & Safety clarified that the council could be considered negligent if it did not undertake action to manage the health and safety risk presented to its employees.
- 70.14 The Chair then put the Green Group motion to the vote which failed.
- 70.15 The Chair then put the joint Labour & Co-operative Group and Conservative Group motion to the vote which passed.
- 70.16 **RESOLVED-**
- 1) That the Committee notes that the existing collections from basement properties are considered to present a significant risk to staff which the council has a legal duty to minimise as far as reasonably practicable.
  - 2) That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent on the alternative options for refuse

collection, namely communal collection and bin locations or kerbside black bag collection.

- 3) That the Committee approves consultation with the residents of Lewes Crescent, Sussex Square, Chichester Terrace, Arundel Terrace, Brunswick Square and Terrace and Palmeira Square and Adelaide Crescent on communal recycling.
- 4) That the Committee approves consultation with the residents of Westbourne Street (southern end) Beaconsfield Road and Viaduct Road on the implementation of communal refuse and recycling collection as an alternative to kerbside refuse and recycling collections

## 71 OCCUPATION AGREEMENTS AND FEE SETTING FOR TRAVELLER SITES

- 71.1 The Committee considered a report of the Acting Executive Director, Environment, Development & Housing that set out a proposed Occupation Agreements for the council's permanent and transit traveller sites, a Discretionary Succession Policy for the permanent traveller site and a proposed pitch fee and service charge in relation to both sites.
- 71.2 Councillor Barradell praised the report that was very thorough and provided assurance that it provided fair rent and conditions for those using the sites. Councillor Barradell expressed her disappointment that gender specific language had been used within the agreements, an approach she found very outdated.
- 71.3 The Head of Tenancy Services explained that the text had been lifted from government legislation and could be made gender neutral for the final version.
- 71.4 Councillor Janio moved a motion on behalf of the Conservative Group to amend recommendation 2.2(b) as shown in bold italics below:

2.2 That the Environment, Transport & Sustainability Committee approve the:

- (b) Pitch fee, deposit and service charges for the transit traveller site ***plus an additional fee to cover costs of security on site.***

- 71.5 Introducing the motion, Councillor Janio explained that whilst he was in favour of the policies in general, he had concerns that the full costs of the site would not be met under the proposals that would be an additional incurrence on an already expensive process establishing sites. Councillor Janio felt that providing direct ownership of security costs to residents of the sites would encourage good behaviour and a reduction of those costs over time.
- 71.6 Councillor Theobald formally seconded the motion.
- 71.7 The Chair asked for technical clarification that an approach had been taken for these new sites whereby the council would cover costs of security in order to ensure traveller safety from the beginning and to help the bedding-in process.

- 71.8 The Head of Tenancy Services confirmed that this was the position that had been reached. This was on the basis that to include security costs in the weekly cost would mean an additional charge of £46 per week to each resident which would push the overall charge up to a very high rate. In turn, it was expected that this could lead to reluctance to use the transit site. Furthermore, once the new sites had become settled, costs would be reviewed with the intention to reduce those over time.
- 71.9 Councillor Theobald stated that he felt that with CCTV provision on site, there was even more justification for residents to pay for security costs. Councillor Theobald felt that large sums of public money had already been spent on the sites and it was only fair that the residents met security costs even if that increased rental cost. Councillor Theobald noted his concern that occupants would be able to store licensed guns on the premises as he did not believe that sufficient, secure storage was available on site. Councillor Theobald noted that untaxed vehicles would not be allowed on site and suggested that in addition, this include uninsured vehicles and those without MOT. Furthermore, Councillor Theobald did not believe commercial vehicles should be allowed on site nor should non-hazardous commercial waste be permitted to be stored on site for any period of time.
- 71.10 The Deputy Head of Law clarified that the application process for a firearm licence dictated requirements on storage. Residents would have to satisfy those requirements and would be in breach of that licence if the conditions were not met.
- 71.11 Councillor Sykes stated that he was pleased that the report recorded the support of Friends and Families of Travellers for the occupation agreements. Councillor Sykes stated that he had found the guidance to be very prescriptive, sometimes detailing requirements and obligations that were already prescribed in law. Councillor Sykes added Councillor Sykes enquired as to the response to the agreement from potential and current tenants of the transit site to date.
- 71.12 The Head of Tenancy Services clarified that the agreement had to be clear and detailed that on the matter of illegal actions as that was the only recourse to enforce a breach of tenancy and eviction. The agreement replicated the council's tenancy agreement in existing areas of social housing. It also provided detailed information on expectations of occupying the site. The Head of Tenancy Services added that the council had gone through the agreement in detail with Sussex Police and other agencies who were satisfied with the content. In response to the comments made on uninsured vehicles and vehicles with MOT, the Head of Tenancy Services stated that the site would have dedicated parking bays so therefore the rules on enforcement would be the same as enshrined in legislation whereby a vehicle could be stored on private premises and the vehicle would only be in breach of the law if it entered the highway. This was similarly the case with storage of commercial waste and the agreement replicated national legislation in this area. The matter had been raised with the Environment Agency who did not see the issue as a risk as long as the waste stayed in the vehicle.
- 71.13 Councillor Miller stated that he supported the Conservative Group amendment as he did not feel it fair that council tax payers should have to subsidise the costs of security on site. Councillor Miller asked if residents would be able to place their own static home on site as this may help reduce fees. In addition, Councillor Miller asked if Sussex Police would still be able to enforce their Section 62A powers if both the permanent and transit

site were full. Furthermore, Councillor Miller asked if the charges would be reviewed annually and why the capital grant from government were not included in the report as this differed from the calculation for the council's social housing tenants.

71.14 The Head of Tenancy Services clarified that it was normal practice that Travellers would have a static as well as touring caravan. Section 62A powers could only be used for the transit site and if that was full, Sussex Police could only direct travellers within the Brighton & Hove boundary. The Head of Tenancy Services explained that the grant provided by government was exclusively for this project, did not sit within the same framework as social housing and would not have to be repaid.

71.15 Councillor West stated that he was very keen that the new site be a success and it was regrettable that a link had not been made between unauthorised encampments and the council's failure to provide proper provision. Councillor West stated that he could not support the Conservative Group motion as it risked drastically overpricing the use of the site and ultimately, stop people using the site that was a direct contrast to its purpose.

71.16 Councillor Robins stated that he too had found the document prescriptive but understood why it needed to be and fully supported the recommendations. Councillor Robins stated his dislike for the polarity and assumptions made in discussion of Traveller issues

71.17 Councillor Atkinson congratulated officers for a thorough and excellent report. Councillor Atkinson stated that he could not support the Conservative Group motion as it would represent a huge increase in cost and act as a disincentive to use the site and a continuation of the status quo.

71.18 The Chair then put the Conservative Group motion to the vote which failed.

71.19 **RESOLVED-**

1) That Environment Transport and Sustainability Committee approve the:

- (a) Occupation Agreement for the permanent traveller site
- (b) Discretionary Succession Policy for the permanent traveller site
- (c) Occupation Agreement for the transit traveller site

2) That Environment Transport and Sustainability Committee approve the:

- (a) Pitch fee and service charges for the permanent traveller site
- (b) Pitch fee, deposit and service charges for the transit traveller site.

3) That Environment Transport and Sustainability committee delegates authority to the Executive Director of Environment Transport and Sustainability, in consultation with the Executive Director of Finance, to vary the estimated service charges on the transit site for water and electricity after 6 months to align the charge to actual costs.

4) That the Committee agrees that beyond 2.3 above, the annual pitch fee and service charge review should be part of the council's budget setting process for future years.



**72 THE BIG CONVERSATION - AN OPEN SPACES STRATEGY FOR BRIGHTON & HOVE**

- 72.1 The Committee considered a report of the Acting Executive Director Environment, Development & Housing that set out progress made on the Open Spaces Strategy and requested approval for the next stages of work.
- 72.2 Councillor Janio commended the report as sports and open spaces were very important.
- 72.3 Councillor Theobald welcomed the report and hoped more emphasis could be placed on Section 106 contributions.
- 72.4 Councillor Atkinson praised the report adding that he was aware of local groups in his ward who were ready to engage on the proposals.
- 72.5 Councillor West welcomed the report and expressed his hope that work could be progressed effectively.

**72.6 RESOLVED-**

- 1) That the Committee notes the background to the strategy development.
- 2) That the Committee agrees the next steps in the strategy development with a draft strategy to be ready for consideration by this committee by October 2016.

**73 HEALTH & SAFETY SERVICE PLAN 2016-17**

- 73.1 The Committee considered a report of the Director of Public Health that set out the council's Health & Safety Service Plan 2016/17 in accordance with the requirements of the National Local Authority Enforcement Code issued by the Health & Safety Executive under Section 18 of the Health & Safety at Work Act 1974.
- 73.2 Councillor Theobald stated that he would not be supporting the recommendations as he did not believe 0.6 of an employee could meet the statutory requirement of the Code particularly in view of the nature of Brighton and Hove's tourist economy.
- 73.3 The Environmental Health Manager stated that whilst resources would be a challenge, the proposals set out complied with the requirements of the Code. In the course of the past few years, a number of reviews were carried out at national level which meant the scope of work was much smaller.
- 73.4 **RESOLVED-** That the Committee approves the proposed Health & Safety Service Plan 2016/2017.

**74 OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2016/17**

- 74.1 The Committee considered a report of the Director of Public Health that requested approval of the Official Feed and Food Controls Service Plan 2016/17 as required by the Food Standards Agency.

- 74.2 Councillor Theobald stated that whilst he commended the work of officers in the service area, he could not support the report recommendations as he did not believe the service was sufficiently staffed or resourced.
- 74.3 The Environment Health Manager stated that there were significant service pressures but he and his team worked effectively as they could within those resources.
- 74.4 Councillor West commended the report and the hard work of officers. Councillor West added that the rating system and been a huge factor in driving up standards across the city.
- 74.5 **RESOLVED-** That the committee agrees the Official Feed and Food Controls Service Plan 2016/2017.

## **75 2016/17 LOCAL TRANSPORT PLAN CAPITAL PROGRAMME**

- 75.1 The Committee considered a report of the Acting Executive Director, Environment, Development & Housing that requested the Committee to recommend to Policy & Resources Committee the 2016/17 Local Transport Plan (LTP) capital programme budget allocation of £4.274 million to projects and programmes and to note the indicative allocation of future LTP budgets to projects and programmes for 2017/18 and 2018/19 of £5.391 million and £5.169 million to fund the LTP 4-year Delivery Plan.
- 75.2 Councillor West asked for clarification that where conversion of pelican crossings were introduced under the Intelligent Transport System (ITS) Package that this should also include toucans to allow cyclists to cross. Councillor West welcomed the increased allocation for highway drainage particularly in reference to Union Road. Councillor West supplemented it was important to address the long-term problem of road surface deterioration. Councillor West added that whilst he appreciated that investment in the seafront transport infrastructure had diminished the overall budget, he was disappointed with the lack of ambition and innovation in projects by comparison to the previous four year that could lead to a reduction in the success for funding applications. Councillor West stated that he was particularly disappointed with the lack of strategy in improving sustainable transport and the distinct lack of investment in cycling at less than half a per cent of the overall Plan as cycling now represented a huge part of travel in the city. Councillor West noted his frustration that cycling improvements to Dyke Road previously agreed by the committee subject to obtaining funding had not been identified at all within the report. Councillor West also noted his disappointment with the lengthy lack of progress on street lighting and as the issue represented a potential positive step for the council. Funding was available from the Green Investment Bank yet no advancement had been made in the past two years. Councillor West stated that in light of the lack of drive and the opportunity for alternative funding for street lighting, he would be moving a motion at Policy & Resources Committee to transfer the allocation to cycle infrastructure.
- 75.3 The Chair stated that the report was clear that funding for cycle infrastructure could and would be pursued through other sources such as the Local Strategic Transition Fund/Sustainable Travel Transition Fund.
- 75.4 The Head of Transport Policy & Strategy confirmed that conversions of existing pelican crossings under the ITS package would incorporate toucan facilities. Free-standing

crossings and traffic lighting controls would also include toucans wherever that was possible. The Head Transport Policy & Strategy added that in terms of funding for cycling, a number of other projects and programmes did include provision for cyclists as part of their design. On the matter of street lighting, the Head of Transport clarified that officers had been working very hard on a complex issue, further complicated by the ending of the contractual accord with East Sussex County Council (ESCC) of street lighting maintenance. The council were currently consulting with an independent expert on the matter and drawing up a business case for a major replacement programme that would be submitted to Policy & Resources Committee in June 2016 via the Corporate Procurement Board and Modernisation Board.

- 75.5 Councillor Janio noted that LTP4 was reasonably well-funded compared to previous years and commended the quality and breadth of the report. Councillor Janio agreed that there was a lack of vision in some of the schemes and hoped that could be addressed.
- 75.6 The Chair stated that there was keen focus on delivery and what was being delivered matched the administration viewpoint in creating a sustainable transport system that readied the city for growth.
- 75.7 Councillor Atkinson noted extensive and historical issues on road joints in Graham Avenue and asked if the issue could be addressed as a priority in the road reconstruction programme.
- 75.8 The Chair stated she would take up this matter with officers.
- 75.9 Councillor Robins noted that Boundary Road/Station Road was not listed for funding for the next financial year yet he was under the impression that this area had been prioritised for funding and improvement by the committee previously.
- 75.10 The Head of Transport Policy & Strategy clarified that it was expected that funding would be required to develop and deliver the project in Boundary Road/Station Road in 2018/19 which was in line with the four-year LTP prioritisation agreed by the committee last year and in line with the council's mid-term financial strategy.
- 75.11 Councillor Theobald asked officers if they expected improvements to be made on delivery of pedestrian crossings.
- 75.12 The Head of Transport stated that the council operated an annual priority list and had a dedicated pedestrian crossing allocation. There were adjustments in that lists according to priority and pedestrian crossings were delivered as best as could be done within resources. Demand was very high and sometimes alternative methods were considered on a site by site basis.
- 75.13 Councillor Janio asked on the progress on Hangleton/Grenadier Shopping Area Improvements that had been previously identified by the committee.
- 75.14 The Head of Transport Policy & Strategy clarified that the list at appendix 2 identified the priorities as approved by the committee in November which included the acknowledgment of an investigation into the Hangleton/Grenadier Shopping Area. In

terms of progress, he understood that there had been a recent site visit and discussions on the matter.

#### 75.15 **RESOLVED-**

- 1) Recommends to request that Policy & Resources Committee agrees the 2016/17 Local Transport Plan capital programme budget allocation of £4.274 million to projects and programmes, as set out in Appendix 2 of this report; and
- 2) Notes the indicative allocation of future LTP budgets to projects and programmes for 2017/18 and 2018/19 of £5.391million and £5.169 million to fund the Local Transport Plan 4-year Delivery Plan, as set out in paragraph 7.2 of this report.

#### **76 TRANSPORT OPERATIONAL POLICIES (HIGHWAY FUNCTIONS)**

- 76.1 The Committee considered a report of the Acting Executive Director Environment, Development & Housing that outlined a review of the council's Transport Operational Policies and requested approval.
- 76.2 Councillor Theobald referred to paragraph 5.5 of the report that stated the maximum crossover space was 5.5 metres. Councillor Theobald stated that he found this to be excessive and that 1 vehicle space was sufficient.
- 76.3 The Head of Asset and Network Management stated that the crossover policy was one that had been reviewed by officers and more clear and stringent requirements had been put into place. The distance of 5.5 metres was the maximum length for a crossover and was subject to the angle of approach. Furthermore, each site request was reviewed by officers
- 76.4 Councillor Theobald stated that he was aware of a number of problems associated with Heavy Goods Vehicles (HGV) breaking up pavements when parking or in transit. Councillor Theobald asked if a duty could be placed upon hauliers to replace that pavement in incidents of such.
- 76.5 Councillor Janio stated that unauthorised dropped kerbs and crossovers should be monitored and enforced as the issue had become a problem. Councillor Janio added that degradation of grass verges had also become a serious problem and asked the grass verge initiative introduced a few years back had been continued.
- 76.6 The Head of Asset and Network Management stated that problems with verges were also due to vehicles driving over the verge as well as parking on the verge. However, it was not possible to always create additional space in some roads and the verge policy recommends not hardening verges as this can increase parking problems and encourage pavement parking. Where a crossover had not been authorised by the council, enforcement action can be taken and also the council had recourse to place a parking bay over that crossover and that did occur, particularly in areas where new parking schemes had been agreed. In regard to damages to pavements, it was often difficult to prove exactly when a pavement had been damaged and who was responsible although discussions were ongoing with the Highways team to refine the sharing of information to improve that knowledge. The Head of Asset and Network

Management added that the grass verge prohibition that had been a success where it had been applied but the trial scheme had been provided through specific, time-limited funding.

- 76.7 Councillor West stated that better enforcement was required to preserve pavements for pedestrian safety. In addition, he agreed that crossover space had become an issue, particularly in Patcham ward. Councillor West asked if reinforcement of the footway was requested in cases where permission was granted for a dropped kerb.
- 76.8 The Head of Asset and Network Management answered that people were requested to strengthen the footway; however, this may not have been the case with much older crossovers and slabs are not generally as strong or resilient as tarmac.
- 76.9 **RESOLVED-** That the Environment, Transport and Sustainability Committee approves the Brighton & Hove City Council Transport Operational Policies.

## 77 PARKING SCHEMES – CONSULTATION WORK

- 77.1 The Committee considered a report of the Acting Executive Director Environment, Development & Housing that provided an update on the progress made on three parking schemes and sought approval for the scope of the initial consultation for two of those schemes.
- 77.2 Councillor Janio requested the report recommendations be taken individually as he believed recommendation 2.1(c) was a laudable scheme that met the needs of residents but could not agree with the other proposals. In reference to paragraph 5.5, Councillor Janio asked if the times for Scheme B could be changed from 2-3pm to 7-8pm as that reflected the existing restrictions.
- 77.3 Councillor West stated that he was glad the Surrenden area was to be re-consulted as that would meet the requests of residents. Councillor West noted that there would be a geographical gap between an existing scheme and the one to be consulted upon and it made no sense to him not to consult those households too and the committee should not wait for residents to approach them. Councillor West noted the email sent to the committee by Councillor Littman and asked that Members agree to his request to extend the consultation to those further 28 households in Beacon Close and the stretch of Ditchling Road between Osbourne Road and Balfour Road due to the concerns set out.
- 77.4 The Chair stated that she had confirmed that request subject to the approval of the report by the committee.
- 77.5 The Parking Strategy Manager stated that the consultation was due to begin in Autumn 2016. Strong cases to be reconsulted had been made by residents of the Balfour Road and Surrenden Road area to the committee. Should residents from other roads in the vicinity make representations to the committee at its next meeting in June, it would be possible to include them in that consultation.
- 77.6 Councillor Nemeth asked for clarification on when the consultation would begin in the West Hove area.

- 77.7 The Parking Strategy Manager clarified that the area would be assessed by officers in the final quarter of 2016 with the consultation to begin as soon as possible in the New Year.
- 77.8 **RESOLVED-** That the Committee:
- (a) Agrees that an initial consultation takes place in the Preston Village area (Appendix B) on the schemes outlined in para 5.1.
  - (b) Agrees that an initial consultation takes place in the Surrenden area (Appendix B) on the schemes outlined in para 5.1.
  - (c) Agrees that an initial consultation takes place in the West Hove area (Appendix C) on the schemes outlined in para 5.5.
  - (d) Notes the update on the Hollingbury Road / Ditchling Gardens area (Appendix D),
  - (e) Notes the results of the satisfaction surveys in parking schemes implemented in the last 18 months.

## **78 BLUE BADGE FRAUD INVESTIGATION UPDATE**

- 78.1 The Committee considered a report of the Acting Executive Director Environment, Development & Housing that provided an update on Blue Badge investigation following a successful joint funding bid with East Sussex County Council and Sussex Police and outlined possible ways forward to develop the service following its success and national recognition.
- 78.2 Councillor Barradell welcomed the report stating that she sincerely hoped the scheme could be continued and that the increased publicity would lead to offenders handing in badges voluntarily rather than through investigation.
- 78.3 Referring to page 229, Councillor Sykes noted a correction to the document as if there were 7,200 incidents of Blue Badge fraud across the country; this would equate to a £36 million cost to local authorities not £3.6 million as stated. Councillor Sykes stated that there was a clear business case to continue the scheme but asked why a conservative value of £500 per Blue Badge had been used as this was contrary to the view of the Audit Commission who set the figure at £5,000 over a three year period.
- 78.4 The Parking Strategy Manager explained that the focus of the Audit Commission's work in this area had been focussed in London and the £116,000 figure used in the report correlated with the council's estimated loss of parking income.
- 78.5 Councillor Theobald welcomed the report and asked if it was possible to enter a partnership with West Sussex in the initiative.
- 78.6 The Parking Services Team Leader clarified that West Sussex currently did not have sufficient resources to enter the scheme but council officers did have good connections with colleagues in that authority.

78.7 Councillor Janio enquired as to the plan of action if incidents of Blue Badge fraud dropped.

78.8 The Parking Scheme Manager stated that work to this point had only focussed on the Hove area and investigations were yet to take place in the central Brighton area. The number of incidents had been at a steady average so far and had not reduced.

**78.9 RESOLVED-**

- 1) That the Committee notes the update provided.
- 2) That the Committee notes the possible ways forward to develop the service outlined in para 6.2 and requests the Acting Executive Director to investigate the possibilities and resources available during the current service redesign in Transport.

**79 ITEMS REFERRED FOR FULL COUNCIL**

79.1 No items were referred to Full Council for information.

The meeting concluded at 7.30pm

Signed

Chair

Dated this

day of

