

**WRITTEN QUESTIONS FROM MEMBERS**

The following questions have been received from Councillors and will be taken as read along with the written answer which will be included in an addendum that will be circulated at the meeting. A Member who asked a question may ask one relevant supplementary question which shall be put and answered by the Chair, Councillor Robins without discussion.

**(i) Councillor Mac Cafferty- Business case for WaterFront**

*Just last week (7th June) House of Fraser announced that about 6,000 jobs would be axed which follows the announcement only weeks ago that M&S will close 100 stores. Shopping habits are changing and there is uncertainty with Brexit. These are all things that will affect how viable shopping and big shopping centres are. Given that the business case for the bigger Churchill Centre last presented to Councillors is now 3 years old, when will the Committee be appraised of an updated business case which reflects the reality of what is happening on the high street?*

**Reply from the Chair:**

The future of retail is an important consideration, given the recent closures of shops we have seen recently reported in the news. This is of course an issue that Aberdeen Standard Investments, as the owners of Churchill Square Shopping Centre, are well aware of and planning for.

Due to the length of time that has passed since PRG were last updated on this project, officers plan to bring a full report to the next PRG meeting in September seeking sign off of the Conditional Land Acquisition Agreement. This will be the opportunity to update all Members on the Waterfront project and to describe how the project is responding to the new retail environment.

**(ii) Councillor Mac Cafferty- Rail**

*Further to the disruptive rail engineering works over the early Bank Holiday weekend, the rail timetable changes have been appalling for passengers but are also causing damage to the local economy. What communication has the administration had with Govia Thameslink Railway and the Department for Transport over timetable changes and the detrimental impact on our local economy? What assurances is the Chair seeking from the rail companies that key events for our local economy, such as Pride, won't be affected by either engineering works or timetable changes?*

**Reply from the Chair:**

The situation that rail passengers have faced in recent months, as a result of a variety of events and the various actions and decisions taken by Govia

Thameslink Railway (GTR), Network Rail and the Department for Transport (DfT) is of major concern to the City Council.

Following the badly timed engineering works that took place over the early May Bank Holiday weekend, the Assistant Director of City Transport wrote to Charles Horton (previous CEO of GTR) to demand an explanation as to why the closure had been scheduled at a time when thousands of additional passengers would be using the Brighton Mainline to enjoy the long weekend and the start of the Festival and Fringe. That letter suggested GTR and Network Rail should engage with the City Council to ensure better co-ordination of engineering works in future to avoid clashing with key weekends for our city, which they have agreed to do in future. We also asked for urgent reassurance about how the two half-term blockades in October and then again in February next year will be managed so we don't see a repeat of the long waits for replacement buses seen on a number of occasions in recent months.

Since the introduction of the new timetable on 20 May, council officers have been in regular contact with GTR to raise issues and get clarity on the latest situation on train services, and performance is continuing to be closely monitored. It is unfortunate that GTR did not attend the recent Brighton Economic Partnership as this would have been a good opportunity to hear from them about their plans for getting services back to normal.

Senior officers and Cllr Gill Mitchell (Chair of the Environment, Transport & Sustainability Committee) are due to meet with GTR management representatives in the coming weeks to discuss all of these issues. We will keep the pressure on them to improve things for passengers as soon as possible, as quite simply, our city deserves better.

(iii) **Councillor Mac Cafferty- Fracking policy**

*Since 2013 the City Council has had strong policy against fracking, with the designation of Brighton & Hove as a no-Fracking zone. There is a government consultation which controversially will make it many more times easier for fracking and acidising companies to apply for planning permission and Environment Agency licences. Further, the Written Ministerial Statement issued on 17 May 2018 by the Energy and Local Government Secretaries has for example proposed to classify non-fracking shale gas developments as permitted development, without the need for a planning application, and fracking proposals to be decided by a government-appointed inspector, rather than a local authority. Will the Chair assure us of this Council's continued opposition to fracking?*

**Reply from the Chair**

We are aware that future national planning policy on minerals was referenced in the recent National Planning Policy Framework consultation. The city council responded to this consultation in May 2018.

We will continue to monitor the situation, and we await the Government's publication of the revised National Planning Policy Framework, which is anticipated over the summer.

The city council's approach to fracking has not changed since the no-fracking zone was agreed by Policy & Resources Committee in January 2013. Whilst this

is not a legally binding policy, it is consistent with the council's commitment to create a more sustainable city.

(iv) **Councillor Nemeth- King Alfred**

*What estimate does the Chairman make of costs incurred to date by the Council in progressing the redevelopment of the King Alfred Leisure Centre since the project was revived in 2013?*

*[NB Please break down appropriately – I am particularly interested in approximate officer and consultant costs but would also like to see in there room hire, printing, etc.]*

**Reply from the Chair:**

Since embarking on the current project in 2013, progression of the King Alfred Development has cost the council £260,000, this being the total cost of specialist consultant support (e.g. legal and commercial) necessary to safeguard the Council's position. As with the Council's other major projects, officer time is not separately accounted for. Other costs such as room hire and printing are negligible

(v) **Councillor Nemeth- Planning Enforcement**

*Will the Chairman provide updated figures for cases received, cases closed and total cases received for March/April/May 2018?*

**Reply from the Chair:**

The figures show there has been a fluctuation in cases received over the time period with a peak in April. The average number of cases received over this 3 month period was 48 and the average number of closures was 44. As a consequence there has been a small increase in cases on hand over the three month period.

	<b>Cases received</b>	<b>Cases closed</b>	<b>Total cases</b>
<b>Mar-18</b>	<b>39</b>	<b>37</b>	<b>794</b>
<b>Apr-18</b>	<b>69</b>	<b>44</b>	<b>819</b>
<b>May-18</b>	<b>37</b>	<b>51</b>	<b>805</b>

(vi) **Councillor Nemeth- Marlborough House**

*Will the Chairman detail what progress has been made in taking enforcement action for recent planning breaches against the owner of Marlborough House since the last meeting of the committee?*

**Reply from the Chair:**

Prosecution proceedings in respect of the two outstanding Listed Building Enforcement Notices are ongoing. At the magistrates court on 4<sup>th</sup> May the case was adjourned by the Magistrates until the 5<sup>th</sup> September at the request of the owner's solicitor.

A planning appeal against the refusal of retrospective Listed Building Consent for the external decoration of the building was recently upheld by the Planning Inspector. As a consequence consent has now been granted.

Separately the Heritage officer is meeting with the owner and his agents on 26<sup>th</sup> June, together with Historic England, in order to discuss how the long term restoration and re-use of the building can be secured.

(vii) **Councillor Nemeth- Beach Hut Transfer Fees**

*At the March meeting of Tourism, Development & Culture Committee, I highlighted that the beach hut 'Terms & Conditions of Licence' document contains no provision for the Council's newly-introduced Transfer Fee. I requested the Council's updated position and was told that Legal would be in touch imminently. Given that three months have now passed, would the Chairman please confirm when the response from Legal that he requested will be sent to me?*

**Reply from the Chair:**

I understand that a response to your questions was sent to you last week

(viii) **Councillor Nemeth- HMO Planning Policy**

*Will the Chairman commit to introducing a Supplementary Planning Document (SPD) to address anomalies in the Council's approach to Houses of Multiple Occupation (HMOs)? The current arrangement appears to be very unclear on exactly what constitutes an existing HMO when calculating numbers within a 50m radius of a proposed development.*

**Reply from the Chair:**

It is considered that the Council's approach to determining HMO planning applications is clear and based on regularly updated and robust data. The supporting text to City Plan Policy CP21 clearly sets out how the policy is applied. A Supplementary Planning Document should therefore not be needed. By way of context - in planning terms, a small House in Multiple Occupation (HMO) housing up to six people is classified as use class C4. Larger HMOs housing seven or more people are considered to be *sui generis* (SG), i.e. they do not fall within any specific use class.

City Plan Part One Policy CP21 is used in the determination of planning applications for changes of use to HMO and is applicable to both small and large HMOs.

The policy states that "*applications for new build HMO, and applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where more than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.*"

The policy applies to all proposals for HMOs within the existing Article 4 Direction including proposed changes to use to either a C4 or a sui generis HMO. Outside the Article 4 Direction area, there are permitted development rights for changes of use from a C3 to C4 use class and therefore the policy applies only to proposals relating to larger *sui generis* HMOs.

Electronic maps of existing HMOs are used to assess the existing concentration of HMOs within the 50m radius of an application site. Both small and large HMOs are included. The mapping is updated every three months and shows HMOs identified from two sources:

1. Licensed HMOs. As of 1<sup>st</sup> March 2018 licensing of small HMOs has been extended citywide, and all HMOs in the city are now required to be licensed.
2. Properties with student council tax exemptions which are considered highly likely to be in HMO use.

The HMO database is also updated where enforcement investigations identify an HMO.

