

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT CABINET MEMBER MEETING

4.00pm 4 JULY 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor G Theobald (Cabinet Member)

Also in attendance: Councillor Mitchell (Opposition Spokesperson)

Other Members present: Councillors Davey, Janio and Smart

PART ONE

17. PROCEDURAL BUSINESS

17a Declarations of Interests

17a.1 The Cabinet Member declared a personal and prejudicial interest in Item 32, a report from the Director of Environment in relation to approval of a preferred scheme for stage two of the North Street Mixed Priority Route (MPR) scheme, as he owned property in the vicinity of the proposed scheme.

17a.2 Councillor Davey declared a personal, but non-prejudicial interest in Item 32, as he worked for a cycle training organisation.

17a.3 The Cabinet Member declared a personal and prejudicial interest in Item 33, a report from the Director of Environment in relation to designation of new and extended conservation areas, as he resided within the proposed extension to the conservation area.

17b Exclusion of Press and Public

17b.1 The Cabinet Member considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

17b.2 **RESOLVED** – That the press and public be not excluded from the meeting.

18. MINUTES OF THE PREVIOUS MEETING

- 18.1 **RESOLVED** – The minutes of the meeting held on 5 June 2008 were approved and signed by the Cabinet Member as a correct record.

19. CABINET MEMBER'S COMMUNICATIONS

- 19.1 The Cabinet Member informed the meeting that as he had declared interests in Items 32 and 33, the Leader of the Council had nominated the Cabinet Member for Finance to take these Items. The Cabinet Member stated that he would take Item 34 before Items 32 and 33 and then leave the room.
- 19.2 The Cabinet Member stated that the public questions which related to Item 32 would be taken immediately prior to the Item, rather than under Item 21 Public Questions, and would therefore be answered by the Cabinet Member for Finance.

20. ITEMS RESERVED FOR DISCUSSION

- 20.1 **RESOLVED** – That with the exception of the items reserved (and marked with an asterisk), the recommendations and resolutions contained therein be approved and adopted without debate.

21. PUBLIC QUESTIONS**21(i) Public Question – Mr. T Chavasse**

- 21.1 Mr. Chavasse asked the following question:

“Clause 3.7.6 of item 29 anticipates extension and co-ordination of activities of TSOs. Would the Cabinet Member urgently consider the promotion and adoption of a Council Environment Policy that the sale of Disposable BBQs be restricted to those which conform with European Standard BSEN1860 Part 4? Thereby enabling TSOs to inhibit the sale of dangerous and damaging non standard articles, reducing the dangers to children and to the environment while supporting the Council TSOs and outdoors staff in educational activity and the maintenance of Open Spaces. The established need to do so was agreed by the Open Spaces Forum.”

- 21.2 The Cabinet Member stated that he was aware that Mr. Chavasse had raised this issue in the past with Trading Standards Officers and that it had been considered very carefully. Disposable barbecues, or indeed BBQs in general, could be considered to be inherently unsafe. However, Trading Standards Officers had looked at the relevant legislation and believed that these products would meet the provisions of the General Product Safety Regulations. It was not the sale, but the use of these products, that the Cabinet Member wished to be focussed on, and he believed that it was more of an education message that needed to be developed. The Cabinet Member had therefore asked Trading Standards Officers to liaise with colleagues in CityParks to develop and promote such a message.

21.3 Mr. Chavasse asked the following supplementary question:

“Would the Cabinet Member kindly also report on the lack of progress in the consultative publication of City wide Model 2 Bye Laws for Parks and Gardens that had been fully drafted by November 2006 after lengthy discussions with interested parties and which could address this and other very important issues?”

21.4 The Cabinet Member advised that he would provide a written response to this question (for copy see minute book).

21(ii) Public Question – Mr. C Boocock

21.5 This public question was taken immediately prior to Item 32. The Cabinet Member for Finance responded to this question.

21.6 Mr. Boocock asked the following question:

“In the light of North Street Mixed Priority scheme being a safety improvement project what assurance can the Cabinet Member give that safe solutions will be implemented enabling cyclists to make all desired turns at the North Street Quadrant junction as well as providing safe and unimpeded two way progress through Ship Street and it's junction with North Street?”

21.7 The Cabinet Member stated that the mixed priority route aimed to improve road safety and the environment in North Street for all users by widening footways to give pedestrians more space and reducing traffic flows and speeds in the area. Measures to improve cyclist safety at the Clock Tower Quadrant included:

- Widening of the carriageway in North Street between Churchill Square and the Clock Tower – a measure included specifically for the benefit of cyclists.
- Reduction of the corner radius on the North West corner of the Clock Tower to allow cyclists to make easier turns.
- Provision of a feeder lane into the existing Advanced Stop Line in North Street, eastbound at the Clock Tower.

The Cabinet Member stated that officers were investigating the possibility of a contra flow cycle lane in Ship Street, subject to detailed design and safety audits.

21.8 Mr. Boocock asked the following supplementary question:

“Can I seek further assurance that for both future and existing schemes every effort will be made to bring them up to the same high standard of design and installation as the exemplary scheme on The Drive thus enabling Brighton and Hove to fully benefit from having truly sustainable transport as part of its way of life?”

21.9 The Cabinet Member responded that the Council would always seek to provide exemplary transport schemes.

21(iii) Public Question – Dr. T Green

21.10 This public question was taken immediately prior to Item 32. The Cabinet Member for Finance responded to this question.

21.11 Dr. Green asked the following question:

(Re: North Street Mixed Priority Route Road Safety Scheme - Stage 2)

“As a mixed use priority scheme, how do the stated recommendations which are not based on the results of the consultation, improve cyclists’ safety at the Clock Tower or their mobility in Ship Street, in the light of Brighton & Hove's Cycling Demonstration Town status?”

21.12 The Cabinet Member stated that her answer was the same as the answer to the previous question and added that although the consultation results favoured a shared space at the Quadrant, the views expressed in the safety audit were considered paramount, such as “it is likely that there will be a high rate of cycle-pedestrian conflict ... consider keeping cycle movements within the main junction.”

21.13 Dr. Green asked the following supplementary question:

“Can the Cabinet Member confirm when cyclists will be provided with a direct route between Queens Road and Churchill Square?”

21.14 The Cabinet Member responded that this was a question for the Cabinet Member for Environment and advised that a written response would be provided (for copy see minute book).

22. WRITTEN QUESTIONS FROM COUNCILLORS

22.1 No written questions had been received from Councillors.

23. DEPUTATIONS

23.1 No deputations had been received.

24. PETITIONS

24.1 No petitions had been received.

25. LETTERS FROM COUNCILLORS

25.1 No letters from Councillors had been received.

26. NOTICES OF MOTIONS REFERRED FROM COUNCIL

26.1 There were none.

27. MATTERS REFERRED FOR RECONSIDERATION

27.1 There were none.

28. REPORTS FROM OVERVIEW & SCRUTINY COMMITTEES

28.1 There were none.

29. *EXPANDING THE REMIT OF TRADING STANDARDS SOUTH EAST LTD

29.1 The Cabinet Member considered a report of the Director of Environment concerning approval for the continued participation in Trading Standards South East Limited with the expanded remit that includes all regional Trading Standards activity (for copy see minute book).

29.2 The Cabinet Member stated that Trading Standards South East Ltd was a local authority controlled company, of which Brighton & Hove City Council was a member. The primary purpose for forming the company had been to act as the vehicle to manage to contract to run Consumer Director South East (CDSE), the regional based national advice funded by the Office of Fair Trading. The Cabinet Member stated that approval was being sought for continuing the partnership and support for the expansion of the remit of the company to cover all partnership activity.

29.3 Councillor Mitchell stated that she supported the proposals, which would allow further joined-up working. She requested that regular updates be brought to the meeting and thanked the officers involved, making specific reference to success in reducing sales of alcohol to under-age consumers and the achievements of Scambusters.

29.4 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That approval be given to allow the Trading Standards Service to continue to contribute fully to company developments and joined-up working and continue to incorporate the Business Plan objectives into the Service's own planning process.
- (2) That the nominated Director (currently the Head of Trading Standards) be empowered to agree to the development of the role of the company (within the terms of its Memorandum and Articles of Incorporation and the objectives set out in paragraph 3 below), subject to seeking of advice from the Head of Legal Services, and the approval of the relevant Cabinet Member in respect of any contemplated development beyond those activities referred to in paragraph 3 below.

30. TRANSPORT TERM CONTRACT

30.1 The Cabinet Member considered a report of the Director of Environment asking him to grant the Director of Environment delegated authority to approve appointment of consultants identified through the Transport Term Consultancy tender process (for copy see minute book).

30.2 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the Director of Environment be given delegated authority to approve appointment of consultants identified through the Transport Term Consultancy tender process.

31. POOL VALLEY ENHANCEMENT SCHEME - ARBITRATION

31.1 The Cabinet Member considered a report of the Director of Environment concerning authorising officers to initiate and partake in arbitration proceedings regarding the Pool Valley Enhancement Scheme (for copy see minute book).

31.2 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That officers be authorised to initiate and partake in arbitration proceedings between the council and Imperial Property and the council and Brighton Coaches Limited in order to secure the consent of both parties, as required by Part VIIA of the Highways Act 1980, to the construction of a ticket office and associated facilities at Pool Valley Coach Station.

Note

That having declared a personal and prejudicial interest in Items 32 and 33, the Cabinet Member for Environment withdrew from the meeting and took no part in the debate on decision thereon.

The Cabinet Member for Finance, having been given delegated responsibility by the Leader of the Council to deal with the two matters, presided over the meeting and took the decisions thereon.

32. *NORTH STREET MIXED PRIORITY ROUTE (MPR) ROAD SAFETY SCHEME

32.1 The Cabinet Member considered a report of the Director of Environment concerning a preferred scheme for stage two of the North Street Mixed Priority Route (MPR) Road Safety Scheme (for copy see minute book).

32.2 Councillor Davey had declared a personal but non-prejudicial interest in this report.

32.3 The Cabinet Member stated that this was the second stage of an important and innovative scheme aimed primarily at casualty reduction and urban realm improvements. The council was delivering this project in partnership with the Department for Transport, the Police and the Bus Company. The scheme combined targeted road safety engineering measures with a high profile education campaign.

32.4 Councillor Mitchell stated that funding from the Government for this scheme presented an opportunity to make the area safer for all users. She supported the retention of the mini-roundabout at the North Street/East Street junction and making the Quadrant (Clock Tower) a space for pedestrians only for the reasons highlighted in the safety

audit. She did not support the recommendations for Ship Street, but instead supported Option 1 in the original consultation including the approval of two-way cycling, but for implementation to be delayed until current utilities works had been completed.

- 32.5 The Assistant Director for Sustainable Transport stated that to implement Option 1 would bring further disruption to traffic in the city, which is currently suffering from high levels of congestion as a result of the works being carried out. The recommendations in the report look to the future and would reduce traffic and accidents. Option 1 could be considered at a later date when current works have been completed.
- 32.6 Councillor Davey stated that the recommendations in the report did not take into account the results of the consultation, particularly in relation to the Quadrant, and that the pledge to consider two-way cycling in Ship Street did not go far enough. He supported Option 1 for Ship Street.
- 32.7 The Assistant Director for Sustainable Transport stated that the Council could not ignore the recommendations of the safety audit regarding the Quadrant and that the proposals regarding cycling in Ship Street had not been finalised.
- 32.8 The Cabinet Member stated that she had listened to the views expressed, but that the recommendations in the report represented the best option for the city.
- 32.9 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That a preferred scheme for Stage Two of the North Street Mixed Priority Route (MPR) scheme be approved as detailed in Appendix A which included:
 - a) The creation of a high quality public space at the Clock Tower/Quadrant for pedestrians;
 - b) Making Ship Street one way southbound only from its junction with North Street to its junction with Duke Street; and
 - c) Retention of the North Street/East Street mini roundabout junction.
 - (2) That the detailed design together with the advertising of orders under the Road Traffic Regulation Act 1984 in respect of elements of the preferred scheme be authorised.
 - (3) That the Director of Environment be authorised to implement Stage Two of the MPR scheme in the 2008/9 financial year, within the budget available, subject to the satisfactory resolution to any representations received following the advertisement of the Traffic Orders.

33. *DESIGNATION OF NEW AND EXTENDED CONSERVATION AREAS

- 33.1 The Cabinet Member considered a report of the Director of Environment concerning the designation of a new conservation area in Carlton Hill and an extension to the existing conservation area in Tongdean (for copy see minute book).

- 33.2 The Cabinet Member stated that the report set out the results of the public consultation on the proposals for a new conservation area at Carlton Hill in Brighton, and an extension to the existing Tongdean Avenue/Road conservation area which would include properties in Dyke Road Avenue. The results of the consultation had been broadly supportive. Some amendments had been made to the draft Character Statements to address concerns, and a minor amendment had been made to the proposed boundary of the extended area in Tongdean. The Cabinet Member stated that it was considered that the proposed new and extended areas met the criteria for a conservation area, as set out in the council's adopted Conservation Strategy, and that they also accorded with Government guidance on the designation of new conservation areas.
- 33.3 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That the proposed Carlton Hill conservation area, as set out at Appendix 2, be approved and formally designated and the Character Statement for the area be adopted.
 - (2) That the proposed extension of the Tongdean Avenue/Road conservation area, to include properties in Dyke Road Avenue as set out in Appendix 3, be approved and formally designated.
 - (3) That the extended Tongdean Avenue/Road conservation area be renamed Tongdean and the revised Character Statement for the area be adopted.

34. *MAINTENANCE OF HISTORIC BUILDINGS

- 34.1 The Cabinet Member considered a report of the Director of Environment concerning current and future priorities for the enforcement of repair works to historic buildings in the city (for copy see minute book).
- 34.2 Officers had advised that there was an error in the report recommendations. Recommendation 2.3 referred to paragraphs 3.18 and 3.19 of the report, not paragraphs 6.1 and 6.2.
- 34.3 The Cabinet Member stated that the Council was determined to improve the appearance of the city's streets and maintain the quality of the city's historic buildings, using planning enforcement powers where necessary. The report clarified how the Council would prioritise action to secure necessary repair and updated the Council's adopted Conservation Strategy with a revised and more comprehensive register of those listed buildings that were currently considered to be 'at risk'. Many of those were vacant and merited the highest priority for future action to secure repair and new uses. The Cabinet Member stated that the appearance of the city also suffered from buildings that, whilst physically sound, looked unsightly through lack of maintenance. Through the actions listed in the report the Council would commit to enforcement action against those owners of those historic buildings, generally in conservation areas, where more modest repair and redecoration was long over due. The final priority would be

enforcement work as part of likely future area-based enhancement schemes to be programmed in the Valley Gardens and Old Town conservation areas.

34.4 Councillor Mitchell welcomed the report and noted that its effect was to pull together existing powers and make them more focussed. She was pleased that this would be backed up by enforcement and requested that officers also take in account the infrastructure surrounding historic buildings.

34.5 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the priorities for current and future action to secure the maintenance and repair of historic buildings in Brighton & Hove be noted and agreed.
- (2) That the updated list of historic buildings that are considered to be ‘at risk’ be endorsed (Appendix 1).
- (3) That the proposed arrangements for the service of notices under delegated powers, as set out in paragraphs 3.18 and 3.19 of this report, be agreed.

The meeting concluded at 4.45pm

Signed

Chair

Dated this

day of