

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE

1.00PM 6 OCTOBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Morgan (Chairman); Older, Davey, Davis, Drake, Randall, Smart and Wells

Also Present; Councillors Duncan and Mitchell

PART ONE

21. PROCEDURAL BUSINESS

21a Declarations of Substitutes

21.1 Councillor Older was acting as substitute for Councillor Janio and Councillor Randall was substituting for Councillor Rufus.

21b Declarations of Interests

21.2 There were none.

21c Declaration of Party Whip

21.3 There were none.

21d Exclusion of Press and Public

In accordance with section 100A(4) of the Local Government Act 1972, it was 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 section 100I (1) of the said Act.

RESOLVED: That the press and public be not excluded from the meeting.

22. CHAIRMAN'S COMMUNICATIONS

22.1 The Chairman welcomed everyone especially members of the public. The Head of Scrutiny reminded the meeting that the call-in meeting had been arranged to determine two requests for call-in, items 23 and 24 on the agenda. The Committee could not alter these decisions and was being asked to agree whether or not to send the decisions back for re-determination.

**23. CALL-IN REQUEST: PEDESTRIAN NETWORK, PHASE 2 - 17 SEPTEMBER 2009
CABINET DECISION**

23.1 Councillor Duncan introduced the call-in request relating to the 17 September Cabinet decision on the Pedestrian Network, Phase 2. The request was not about the merits of the scheme itself but about the presentation of residents' views in the report agreed by Cabinet.

23.2 Councillor Duncan stated that some residents' comments had not been directly reported to Cabinet. He pointed out that Appendix C to the Cabinet report did not include 'Residents' amongst the list of consultees and so some residents felt that their views were not included at all, he said.

23.3 At the invitation of the Chairman, three residents addressed the meeting. Their concerns included; short time for consultation replies, more people congregating outside, noise and licensing issues, vehicle access including disabled access and loading/unloading hours for businesses and clubs, and 'sketchy' diagram for their area. The residents did not think their views had been reflected in the report to Cabinet, although one resident had been given extra time to submit comments.

23.4 Councillor Theobald set out the process of the development of the scheme which he said had taken objections into account as far as possible. He said Ward Members had not made representations at Cabinet on behalf of residents. Although the response rate was relatively low, he and officers were aware of residents' concerns as consultation responses were summarised in the report; consultees are not named in reports.

23.5 Councillor Randall who had spoken at the Cabinet meeting stated that he did not feel that enough evidence was presented in the report. Councillor Mitchell who had also spoken at Cabinet said she was told full pedestrianisation could be considered for the future.

23.6 Some Members asked in view of the small numbers of reply forms completed this time, how the council could elicit more consultation responses on other issues.

23.7 It was noted that the Traffic Regulation Orders were due to be advertised and this would allow additional comment.

23.8 The Chairman proposed an alternative to formal referral back, which involved further informal consultation with local residents including facilitating discussions with the Head of Licensing as part of the ongoing process. The Cabinet Member for Environment agreed however it was important that this should not introduce undue delay into the process.

23.9 Following debate a vote was held and passed which Councillors Randall and Davey opposed. Therefore the decision was not referred back on the basis that further timely informal

consultation would be held with the residents present, on the licensing and access issues that they had raised.

23.10 **RESOLVED** that the decision be not referred back to Cabinet for reconsideration but that further timely informal consultation be carried out as minuted above at 23.8 and 23.9.

**24. CALL-IN REQUEST: DOWNLAND MANAGEMENT - 24 SEPTEMBER
ENVIRONMENT CMM DECISION**

24.1 Councillor Mitchell introduced her call-in request dated 24 September. She said the report to Cabinet Member Meeting had not included information that had been promised to wildlife representatives and to June ECSOSC meeting about managing downland in areas prior to grazing being introduced and for those areas that would not be grazed. The policy should have been made clear in the report in relation to the collection of grass mowings, and the views of the conservation and wildlife groups on this issue should have been sought and included in the report.

24.2 Councillor Mitchell also referred to a letter from the Sussex Wildlife Trust which was in support of increased grazing but with some concerns. In her view the CMM decision should be referred back to allow for the inclusion of additional information and for consultation with conservation and wildlife groups.

24.3 The Chairman was disappointed that the 24 September Environment CMM report did not take account of the representations that had been made on behalf of ECSOSC at 30 July Environment CMM.

24.4 Three representatives of conservation and wildlife groups told the meeting that they were pleased with the positive steps being taken with downland grazing plans. However they were displeased that there had been no consultation with wildlife groups and volunteers who had high levels of expertise. Not collecting grass mowings as an intermediate measure was seen as a cut in service and/or budget, allowing the spread of rough grass at the expense of downland species which had taken many years of protection to become established.

24.5 Wildlife groups circulated photographs and argued there was a danger that biodiversity could be lost.

24.6 The Cabinet Member said he appreciated the work and commitment by all those involved and understood the concerns.

24.7 Councillor Theobald queried the reason for the call-in. He said he and officers had met and consulted on May 28 with Gill Taylor (Friends of Hollingbury and Burstead Woods), Bernard Evans (Friends of Sheepcote Valley), Phil Belden (Brighton Urban Wildlife Group) and Dave Bangs. The decisions on the grazing plans were stated in the decision record to be 'subject to full consultation with ward councillors and residents' (report Appendix 10 refers).

24.8 Following discussion the Committee unanimously agreed to refer the matter back to Environment CMM.

24.9 The Chairman thanked the members of the public for attending the meeting.

24.10 **RESOLVED**; That the Downland Management decision be referred back to CMM for reconsideration due to:

- The lack of consultation with local conversation and wildlife groups
- The lack of information in the CMM report relating to cutting and composting of sites not being grazed
- Lack of analysis evident in the CMM report of the impact of the downland mowing policy on a site by site basis

25. ITEMS TO GO FORWARD TO CMM, CABINET OR COUNCIL

25.1 Cabinet and Environment CMM to be informed of the outcome of the call-in requests.

The meeting concluded at 3.00pm

Signed

Chair

Dated this

day of