

# Tourism, Equalities, Communities & Culture Committee Agenda

Date: **18 June 2020**

Time: **4.00pm**

Venue **Virtual Meeting - Skype**

Members: **Councillors:** Appich (Chair), Evans (Deputy Chair), Ebel (Opposition Spokesperson), Nemeth (Group Spokesperson), Grimshaw, Mac Cafferty, O'Quinn, Powell, Rainey and Simson

Contact: **Greg Weaver**  
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# AGENDA

## PROCEDURAL MATTERS

### 1 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
- (a) Disclosable pecuniary interests;
  - (b) Any other interests required to be registered under the local code;
  - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.*

### 2 MINUTES

9 - 42

To consider the minutes of the meetings held on 5 March 2020 and 7<sup>th</sup> May 2020 (copy attached)

Contact Officer: Greg Weaver

Tel: 01273 291214

### 3 CHAIRS COMMUNICATIONS

#### 4 CALL OVER

- (a) Items (7 – 11) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

#### 5 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public;
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 11 June 2020;
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 11 June 2020.

#### 6 MEMBER INVOLVEMENT

43 - 48

To consider the following matters raised by Members:

- (a) **Petitions:** To receive any petitions;
- (b) **Written Questions:** To consider any written questions;
  - (I) **Pesticides Used at Hollingbury Golf Course** – Councillor Ebel
  - (II) **Brighton & Seafront** - Councillor Ebel
  - (III) **City's Charity Sector** – Councillor Powell
  - (IV) **Deployment** – Councillor Powell
  - (V) **Equalities** – Councillor Powell
  - (VI) **Libraries Plan** – Councillor Rainey
  - (VII) **Lifeguards** - Councillor Nemeth
  - (VIII) **West Brighton** - Councillor Nemeth
  - (IX) **Planning Rules Relaxation** - Councillor Nemeth
  - (X) **Madeira Drive** - Councillor Nemeth
  - (XI) **Planning Enforcement** - Councillor Nemeth
  - (XII) **Waterhall** - Councillor Nemeth
  - (XIII) **Hove Lagoon Pump** - Councillor Nemeth
  - (XIV) **Bee Bricks** - Councillor Nemeth
- (c) **Letters:** To consider any letters;
  - (i) **Valley Gardens** – Councillor Wares
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

- 7 ANTI-SOCIAL BEHAVIOUR HOVE SEAFRONT 49 - 52**
- Report of the Executive Director for Economy, Environment & Culture  
(Copy attached)
- Contact Officer: Jo Player Tel: 01273 292488*  
*Ward Affected: Wish*
- 8 PRIDE 2022-2026 INCLUSIVE 53 - 68**
- Report of the Executive Director for Economy, Environment & Culture  
(Copy attached)
- Contact Officer: Jo Player Tel: 01273 292488*  
*Ward Affected: All Wards*
- 9 SALTDEAN LIDO RESTORATION 69 - 82**
- Report of the Executive Director for Economy, Environment & Culture  
(Copy attached)
- Contact Officer: Ian Shurrock Tel: 01273 292084*  
*Ward Affected: Rottingdean Coastal*
- 10 QUEEN'S PARK CONSERVATION AREA PROPOSED ARTICLE 4 DIRECTION 83 - 88**
- Report of the Executive Director for Economy, Environment & Culture  
(Copy attached)
- Contact Officer: Tim Jefferies Tel: 01273 293152*  
*Ward Affected: Queen's Park*
- 11 REVISED DEVELOPER CONTRIBUTIONS TECHNICAL GUIDANCE 89 - 130**
- Report of the Executive Director for Economy, Environment & Culture  
(Copy attached)
- Contact Officer: Simon Barrett Tel: 01273 290000*  
*Ward Affected: All Wards*

**12 ITEMS REFERRED FOR FULL COUNCIL**

To consider items to be submitted to the 23 July 2020 Council meeting for information.

*In accordance with Procedure Rule 24.3a, the Committee may determine*

*that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting*

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Greg Weaver, (01273 291214, email [greg.weaver@brighton-hove.gov.uk](mailto:greg.weaver@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

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Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

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- Do not re-enter the building until told that it is safe to do so.





**BRIGHTON & HOVE CITY COUNCIL**  
**TOURISM, EQUALITIES, COMMUNITIES & CULTURE COMMITTEE**

**4.00pm 5 MARCH 2020**

**HOVE TOWN HALL - COUNCIL CHAMBER**

**DRAFT MINUTES**

**Present:** Councillor Robins (Chair) Ebel (Opposition Spokesperson), Nemeth (Group Spokesperson), Childs, Mears, Powell, Rainey, Simson, Fowler and Hill

**Other Invitees present:** Lola Banjoko (B& H CCG), Anusree Biswas Sasidharan, Joanna Martindale (Community Voluntary Sector) and Nick May (Sussex Police)

**PART ONE**

**47 PROCEDURAL BUSINESS**

**47(a) Declarations of substitutes**

47.1 Councillor Hill was present as substitute for Councillor Evans and Councillor Fowler was present as substitute for Councillor Grimshaw.

**47(b) Declarations of interest**

47.2 Councillor Nemeth declared an interest regarding Item 58 Review of Planning Service Fees & Charges and stated that he would leave the room for the duration of this Item in the meeting.

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

47.3 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

47.4 **RESOLVED** – That the public be not excluded during consideration of any item of business on the agenda.

**48 MINUTES**

48.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 16 January 2020 as a correct record.

## 49 CHAIRS COMMUNICATIONS

### 49.1 The Chair provided the following updates:

“ Good afternoon and welcome to this meeting of the Tourism, Equalities, Communities & Culture Committee. I’d like to inform those present that this meeting is being webcast live and will be capable of repeated viewing.

On Friday 21 February I attended an event to mark the opening of Queer the Pier exhibition in the Spotlight Gallery at Brighton Museum. The exhibition has been created by a group of community curators from LGBTIQ+ communities in Brighton & Hove and celebrates the lives of the writers, artists, performers, activists and ordinary people who have made Brighton and Hove so fabulous. Their stories are brought to life with film and photography, fashion and drag and oral history.

The 100 First Women Portraits exhibition is also now on show at Brighton Museum until 7 June. The collection of photographs by Anita Corbin features 100 pioneering women of 21st Century.

On 30 March I will be attending the Brighton & Hove Cultural Summit at The Attenborough Centre for the Creative Arts. This years Summit is titled Your City, Your Art? and explores inclusive arts practice. The day will include presentations, performances, workshops and exhibitions looking at how we can involve as many people as possible to take part in the arts and how we can make sure the arts are engaging, friendly, and accessible for everyone across the City.

There is less than 500 days to go until the UEFA Women’s EURO tournament which kicks off on 7 July 2021. Excitement is already building for the tournament which will see England's Lionesses joining 15 other nations, playing 31 matches at venues across the country including three at the Brighton & Hove Community Stadium. Hundreds of thousands of fans are expected to attend the tournament and millions more will watch the globally-televised event.

The Stadium was chosen as a host city following a bid by Brighton & Hove City Council, Brighton & Hove Albion FC and the Sussex County Football Association.

As one of the eight host cities, Brighton & Hove is planning a programme of fan events in the lead-up to and during the tournament, as well as a legacy programme to improve access to and participation in girls’ and women’s football.

I was pleased to attend an event for Holocaust Memorial Day at the Old Courtroom on 27<sup>th</sup> January. The event was led by the Jewish Community Holocaust Education Project, who also do really important work in schools, and supported by Rwandan Youth Information Community Organisation as well as by the Council. This year’s Holocaust Memorial Day marked the 75<sup>th</sup> anniversary of the liberation of Auschwitz and the 25<sup>th</sup> anniversary of the genocide in Bosnia. The theme was Standing Together and it was great to see such a diverse mix of people coming together for this event, including those from faith, LGBTQ, refugee and disability community groups, with 170 people attending. We heard powerful personal stories relating to both the Holocaust and the Rwandan

Genocide and messages which reiterated the importance of continuing to stand together against all forms of hatred.

### Brighton and Hove Tourism Awards

Working with over 530 City partners engaged in tourism, in the last 3 months

VisitBrighton has:

- Engaged with 23.1k followers on Instagram; 61.4k Twitter followers and 28k likes on Facebook
- Run a digital campaign to promote May Festivals with a reach estimate of 1m+ people
- Since the 1st October 2019 to 29th February 2020 the VisitBrighton Convention Bureau has:
- Submitted 57 Conference Proposals to conference planners that has a combined Direct Economic Benefit of £21m+
- Confirmed 19 new Meetings and Conferences for the city and its venues:
  - Biochemical Society, September 2020, x 400 delegates
  - British Association of Cognitive Neuroscience, September 2020, x 300 delegates
  - British Association of Supported Employment, November 2021 x 200 delegates
  - British Neuroscience Association, April 2021, x 200 delegates
  - UK Council for Graduate Education, February 2021, x 400 delegates

This year the tourism industry is pleased to announce the inaugural Brighton and Hove Tourism Awards, in association with Visit Brighton and the Brighton and Hove Tourism Alliance, the Brighton and Hove Tourism Awards aims to promote and celebrate the city's vibrant and diverse tourism sector.

These awards are a great opportunity to show appreciation to those individuals and businesses in the tourism sector that embrace the city's values and have become great ambassadors for Brighton and Hove.

There are 15 coveted trophies up for grabs, representing a diverse range of business sectors involved in attracting visitors to our great city, winners will be announced on the June 15<sup>th</sup> 2020. Further information can be found at [www.bhtawards.com](http://www.bhtawards.com) ."

## 50 CALL OVER

50.1 Items 54 – 60 were read out in the Call Over and Items: 54 – 57 and 59 – 60 were reserved for discussion.

## 51 PUBLIC INVOLVEMENT

51a Petitions

(i) **Brighton Community Workshop Project – Garry Meyer**

51.1 Garry Meyer gave a short presentation to the Committee on the online petition signed by 113 people.

51.2 The Chair provided the following response:

“Thank you for the petition regarding the Brighton Community Workshop project. This is an interesting project that fits into the circular economy work that the council is currently exploring and developing as part of the council’s community wealth building priority.

I have asked the council’s Property Estates team to meet with the petitioners to understand more about this project and how we might be able to offer support.”

51.3 **RESOLVED** - That the Committee note the petition.

## **52 ITEMS REFERRED FROM COUNCIL**

52.1 There were no items referred from Full Council.

## **53 MEMBER INVOLVEMENT**

### **(b) Written Questions**

#### **(i) Brighton Centre Catering Concession**

53.1 Councillor Nemeth put the following question:

“At the last meeting of this committee, why was the item ‘Brighton Centre Catering Concession’ pulled from the agenda at the last moment and why is it not due to be considered at this meeting?”

53.2 The Chair provided the following reply:

“The item ‘Brighton Centre Catering Concession’ was deferred to a future TECC Ctte to enable further review of the commercial arrangements for that particular concession. This is to ensure that the Council was obtaining best value from the contract. The Ctte paper ‘Brighton Centre Catering Concession’ is scheduled to be represented at a future TECC Committee”.

53.3 Councillor Nemeth put the following supplementary question:

“Please can you confirm the financial implications which will result in deferring this report and what the subsequent officer time costs would be. I am concerned that this report may not come to fruition.”

53.4 The Chair replied that the Report would come to Committee, and that a written response to this supplementary question would be provided.

53.5 Councillor Mears stated that a date was required in order to set up the new contract within the deadline required and the Chair responded that this was already being done within the deadline.

**(ii) Shingle**

53.6 Councillor Nemeth put the following question:

“What assessment has been made of, and what updated policies are now in place to counter, the impact of shingle on the promenade during the winter period to (i) disabled or elderly users of the seafront and (ii) those organising or participating in outdoor events?”

53.7 The Chair provided the following reply:

“The Seafront Office undertake daily patrols along the entire length of the Brighton & Hove coastline. As part of these patrols they will identify areas where there has been shingle overtopping which may be causing access issues along the promenades. In collaboration with the council’s Coastal Protection, Seafront and Cityclean teams, addressing a safe pedestrian route and clear cycle lane (where applicable) along the seafront promenades is prioritised. Comprehensive clearance will be undertaken when forecasts provide a suitable period of stable weather and where the risk to continued overtopping has subsided. Programming comprehensive clearance also takes into consideration the annual Outdoor Events calendar. This approach ensures the most efficient use of the councils’ limited resources across these three departments. Officers are researching specialist equipment which could be purchased to enable council staff to clear and maintain a temporary pedestrian route and the cycle lane more efficiently. The long term management of beach profiles is also being researched by council officers. This is to determine whether a policy of micro management would provide improved coast protection as well as reducing the possible risk and frequency of overtopping.”

53.8 Councillor Nemeth put the following supplementary question:

“To clarify, do you recognise that this has got worse in recent years and whether complaints have mainly been from disabled beach users? Could these two issues be looked at in parallel?”

53.9 The Chair replied that these two issues could be run in parallel.

**(iii) Waterhall Golf Course**

53.10 Councillor Nemeth asked the following question:

“Given that Waterhall Golf Club will needlessly fold if a new operator does not take over the course immediately after the impending deadline, and that mothballing costs are potentially huge, will a TECC Urgency Sub-committee be formed imminently to consider options?”

53.11 The Chair gave the following response:

“This committee recommended to P&R that the Waterhall Golf Club was leased to a CIC for restoration and rewilding. It is not a matter of Waterhall Golf Club needlessly folding if a new operator does not take over the course at the end of the current management contract. There is not a long-term, financially viable option available that would enable the Golf Club to continue. The council is still working with the proposed leaseholder for the Waterhall site to conclude the lease arrangements as agreed at Policy & Resources Committee. If the outcome of those discussions is not successful, engagement would then take place with elected members as appropriate.”

53.12 Councillor Nemeth asked the following supplementary question:

“The deadline is at the end of this month. What will happen in the run up to this, if there is no successful negotiation with the new owner? I believe that they will lock the doors to the golf house, and that the club will fold unless people break in to the building. The current owners will take it away so there will be no option to carry on as normal.”

53.13 Nick Hibberd, Executive Director Economy, Environment & Tourism stated that the Council were aware of the timetable and were working together with the company on this issue. He added that if any Members would like a briefing on the situation, he would be happy to offer this. Cllr Nemeth confirmed that he would like to have a briefing on the matter.

#### **(iv) Self Build Register**

53.14 The Chair stated that since the question and answer for Cllr Nemeth’s question was long and complex that instead of reading it out, he would send the answer via email, circulate this to everyone and publish these in the Minutes. The question and answer are as follows:

53.15 Councillor Nemeth asked the following question:

“Please supply the following figures in advance of City Plan Part Two discussions:

- (i) How many people are currently on the Self-Build Register which is maintained by the Council?
- (ii) How many have joined each year since its creation?
- (iii) How many communications have been made with its members?
- (iv) How many sites have been put forward by the Council?
- (v) How many homes are known to have been built as a result of the Council’s work in this area?

53.16 The Chair issued the following response:

- (i) How many people are currently on the Self-Build Register which is maintained by the Council?  
193 individuals and 12 groups (as at 24 February 2020).

- (ii) How many have joined each year since its creation?

At Oct 16

1 individual and 2 groups

Oct 16 – Oct 17	41 individuals and 4 groups
Oct 17 – Oct 18	84 individuals and 6 groups
Oct 18 – Oct 19	55 individuals and 0 groups
Oct 19 – Feb 20	12 individuals and 0 groups

(iii) How many communications have been made with its members?  
Communications are made on an individual basis with applicants as they register or when they have requested an update. All applicants are advised that the council will be in contact when details of serviced plots for sale are available.

(iv) How many sites have been put forward by the Council?

There haven't been any plots identified to date to offer to those on the register. We are negotiating with developers to include self/custom build plots within s106 agreements where practicable and viable. If the council are aware of any other plots that become available for sale we will contact all members of the register so interested applicants can liaise with the owners/developers direct.

(v) How many homes are known to have been built as a result of the Council's work in this area?

Brighton & Hove City Council (BHCC) has a long history of working with housing co-operatives and supporting community led housing to build new homes on council or privately owned land. At present Bunker Housing Co-operative are building two homes on a former council owned site at Plumpton Road. Working in partnership with the Brighton & Hove Community Land Trust a number of additional council owned sites have been identified for community led housing schemes at Coldean Lane and Dunster Close with plans to deliver homes in the next couple of years. Further work is being undertaken to identify other suitable sites in the city. City Plan Part Two includes specific policy references promoting self and custom build housing as part of the general housing mix and specifically on the urban fringe housing sites.

The council is also looking into identifying and monitoring individual planning approvals for self and custom build developments. Self-build homes will also be exempt from Community Infrastructure Levy and its introduction presents a further opportunity to collect information on self-build in the city. Applicants for self/custom-build will be required to submit a specific form to claim CIL exemption which will allow us to identify these developments for monitoring purposes (which has been difficult previously).

53.17 Councillor Nemeth asked the following supplementary question:

“Are you happy with the approach of the Selfield ?

53.18 Liz Hobden, Head of Planning stated that she would email a written response which would be circulated after the meeting.

**v) Ice Rink**

53.19 Councillor Nemeth asked the following question:

“Following numerous promises that were made to members of the public campaigning for an ice rink in the city, what progress has been made in finding a site and making the idea a reality?”

53.20 The Chair gave the following response:

“The council has not made any promises with regard to the provision of an ice rink in the city. The council undertook a soft market testing exercise inviting potential designers, builders and operators to work with the council to identify whether the provision of a new permanent ice rink is feasible in the city. This exercise was not successful in identifying any feasible proposal for an ice rink in the city.”

53.21 Councillor Nemeth did not have a supplementary question.

**53 d) Notices of Motion**

**i) Mary Clarke Statue**

53.22 The Chair introduced the Notice of Motion which went to Full Council on 30 January 2020 and was referred to this Committee for consideration. The Chair confirmed that he had attended the Double Standards concert featuring Lianne Carroll and Claire Martin which had already raised over £4,500 for the Statue Appeal.

53.23 Councillor Nemeth queried whether there would be a report from Full Council on this Notice of Motion.

53.24 Councillor Hill stated that from recommendation 21 on page 31, it could instead be noted

53.25 Councillor Simson stated that she felt strongly about this issue.

53.26 The Chair stated that the issue was fully supported and that there was no avoidance on the issue and that a report could be brought to the next meeting, if required.

53.27 Councillor Mears stated that Full Council’s wishes had to be recognised and followed. The Cha

53.28 The Chair concluded that a written update would be given to a future TECC Committee meeting, in order to resolve the issue.

53.29 **RESOLVED:** That the Committee agreed to a report and written update being presented to the next TECC Committee meeting.

**54 BEACH ACCESS UPDATE**



- 54.1 Ian Shurrock, Head of Sport and Leisure and Toni Manuel, Seafront Development Manager introduced the report, which had followed an initial report from BAT the Beach Access Team and was supported by SCOPE, whose members were present at the meeting. They confirmed that this was an important issue for improving access to the beach for the city and that access to the beach was widely acknowledged as a challenging issue. The Officers confirmed that they had met with BAT and now requested the Committee supported the ongoing work on this issue. They highlighted the main recommendations to support the allocation of S106 money in order to support infrastructure projects and plans for the immediate future.
- 54.2 The Chair thanked Hannah and Neil from BAT, since he felt that the meetings opened people's eyes to the problems of beachfront access.
- 54.3 Councillor Powell noted that it had taken over a year from the issue of the petition in 2019 to come to fruition and that she was astounded that the whole process had taken around 10 years to get off the ground.
- 54.4 Councillor Powell also asked the following 6 questions:
1. She asked for more information on the wheelchair trials and asked if the use of scooters had also been researched.
  2. The issue of staffing on how the wooden strips and the rubber mats would be maintained; and whether staff with disability awareness would be involved.
  3. Where would the beach access be advertised?
  4. How would people get to the seafront and is provision for transport and / or parking being made?
  5. How would the Health and Safety on the beach be managed.
  6. Since SCOPE was a national body, which local disability groups had been engaged with, such as GIG on this?
- 54.5 The Chair replied that regarding question 6 the Beach Access Team had been engaged with and meetings had already been happening for one year.
- 54.6 The Seafront Development Manager gave the following replies:
1. Regarding the wheelchair trial, a number of electric chairs had been trialled but none had had the capacity to cope with the terrain and the gradient on Hove beach had proved problematic and that extra assistance from a carer was needed. She confirmed that the research did not source a good selection of wheelchairs from the UK and wheelchair had not yet been found that would be suitable for the terrain. There was only one from the US – the Nomad chair which they had deemed suitable to purchase. They had looked into mobility scooters but had concluded that these were not suitable for the shingle beach due to the small wheels.
  2. The wooden strips and rubber matting would be laid down for each season. There would need to be the correct access route found to allow more ease to get across the shingles.
  3. The access would be advertised on the Seafront Office webpage and there would also be additional coverage through SCOPE web pages to get more information out into the community.

4. Areas for viewing platforms had already been identified and the first one was next to King Alfred's leisure centre in Hove. There were already disabled parking bays and toilets available in this area and also near the Seafront Office, which was accessible to public car parks, with a ramped access area to the beach.
  5. She noted that staffing would be required for health and safety since shingle was slippery and that matting was required.
  6. Possability People and SCOPE had already been involved in the project as well as the Beach Access team and that the research and had been broad and wide ranging.
- 54.7 Councillor Powell queried whether the rubber mats were only for summer use and if there was a long term solution. She felt that the scheme was extremely positive for the City and should be advertised more widely in papers such as the Argus. The Councillor queried what the end result for the beach would be, and whether the whole seafront would be widened. The Head of Sport and Leisure replied that the input from the Beach Access Team and their local knowledge had been excellent and that they wanted to improve access with new technology as much as possible, with the priority on starting with current solutions in order to make progress as quickly as possible.
- 54.8 Councillor Nemeth echoed the admiration for this project and confirmed that he had already been in touch with the Beach Hut Group whose members were keen to assist with access. He also highlighted the point that the shingle moved all the time and buried additions to the beach and that therefore a mat would easily be covered in stones in the event of a small storm and that therefore technical questions had to be covered on this issue. He also recommended that the new Project Board for the King Alfred project should be included in all future plans. He also asked about the issue of sourcing a UK-based wheelchair and how many chairs and their upkeep could be bought within the 10K budget. The Seafront Development Manager confirmed that only one wheelchair could be purchased within the 10K budget. She confirmed that in future they wanted to trial different chairs suitable for different users.
- 54.9 Councillor Mears stated that she saw beach access as an important issue and was concerned that only the Chair had been asked to be involved and that Members from the other Parties should have been invited and that this was an oversight, since it should be a cross party consultation. The Chair replied that he thought a cross party invitation had been issued to the petitioners.
- 54.10 Councillor Simson asked about the consultation with Sea Lanes and other professional contacts and also about the planning applications that had been submitted. The Seafront Development Manager replied that there had been consultations with Sea Lanes and that the ongoing problem had been getting down to the water's edge. She also confirmed that the Beach Access Team had spoken to architects and engineers on this issue. She also confirmed that the last application for funding from Pride had been unsuccessful and that BAT were currently looking at alternative funding methods at present.
- 54.11 Councillor Powell asked whether there would be a designated member of staff available and the Seafront Development Manager replied that staff would be trained in assisting

with the wheelchair, and on giving tips and advice on beach access and that there would be a broom for sweeping up shingle.

54.12 Jo Martindale asked about consulting with the parent carer council on the issue of children's wheelchairs for the beach and that it was also important to include Adult Social Care, and the Council should be thinking across all departments. The Seafront Development Manager replied that this was possible and that currently they had trialled an adult wheelchair but were looking at a range of different models for different needs and ages.

54.13 **RESOLVED:** That the Committee:

1. Noted the progress already made towards improving beach access in Brighton & Hove.
2. Supported the continuation of improvements to beach and seafront access in Brighton & Hove.
3. Agreed that, where appropriate, Transport and other allocations from Section 106 and future Community Infrastructure Levy (CIL) contributions be used to facilitate beach access improvements as identified by the Beach Accessibility working Group (BAWG).
4. Agreed that the Beach Access Team (BAT) were established as a key consultee for all seafront infrastructure and redevelopment projects.

## **55 PROPOSED SUBMISSION CITY PLAN PART 2**

55.1 The Planning Manager gave a brief summary of the report together with the Principle Planning Officer.

55.2 Councillor Ebel asked the following questions:

1. How did Officers feel the plan met the provision for affordable housing in the city?
2. Can Officers identify the site above the shopping centre / brown field site and will there be an investigation into this site?
3. The Green party asked for restrictions to be place on the number of conversions to holiday homes. Is it possible to explore other council precedents such as Cambridge and Richmond, where holiday lets have been considered as a change of use.

55.3 The Planning Manager gave the following replies:

1. The main policy is CP20 which seeks up to 40% affordable housing which is quite an ambitious target. It would not be possible to offer 100% as there is no evidence to show it is viable, so the council tries to secure 40% with a high proportion of affordable homes in the city.
2. The Council has a program called Direct Delivery on restricted urban sites and these have to be demonstrated as suitable and available. Sites that have been allocated have been delivered over the period. The Brighton General Hospital site identified has a number of constraints such as listed buildings and it is simply not viable to require 100% affordable housing on this site.
3. Holiday lets are classified as residential and that where the council has evidence, the council will change the classification.

55.4 Councillor Ebel then asked 3 more questions:

1. How will the urban fringe sites be achieved on a practical level?
2. What kind of eco surveys have been carried out for the areas for rewilding ?
3. The reference to achieving a 19% reduction in carbon emissions is low – why is this figure not higher?

55.5 The Planning Manager gave the following answers:

1. Whilst it is often possible to secure a positive management plan for urban fringe sites, however, some of these are not as well managed as they could be.
2. In 2015 an incorporated Phase1 habitat surveys were carried out.
3. The policy has been adopted of CP8 sustainable buildings. This has to be in accordance with the targets. The Council's evidence around the other requirements meant that they could not show to inspections in order to meet the targets.?

55.6 Councillor Nemeth stated that he recognised the work that had gone into the plan. However, he confirmed that he wanted to abstain and have a full debate at Full Council on this report.

55.7 **RESOLVED:**

- (1) That the summary of the main issues raised in the consultation on the draft City Plan Part Two carried out 5 July – 13 September 2018 (included at Appendix 2 with a full summary schedule set out in the Statement of Consultation published on the City Plan Part Two webpage be noted:  
<https://www.brightonhove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposedsubmission-stage-2020>);
- (2) That the procedural note for tabling amendments at Full Council (included at Appendix 6) be noted;
- (3) That the Proposed Submission City Plan Part Two (along with the policies map and other proposed submission documents) is referred to Full Council for consideration;
- (4) That the following studies as supporting evidence for the City Plan: Student Accommodation Study, SHLAA update, Gypsies and Travellers Needs Assessment Update, Build to Rent Study, an Update to the 2018 Wildlife Study, the Strategic Flood Risk Assessment Level 1 and 2 Screening and the Older Person Housing Needs Assessment 2019, be approved.

55.8 **RESOLVED TO RECOMMEND:**

- (1) That the summary of the main issues raised in the consultation on the draft City Plan Part Two carried out 5 July – 13 September 2018 (included at Appendix 2 with a full summary schedule set out in the Statement of Consultation published on the City Plan Part Two webpage be noted:

<https://www.brightonhove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposedsubmission-stage-2020>);

- (2) That the Proposed Submission City Plan Part Two (along with the policies map and other proposed submission documents) for statutory public consultation for a period of six weeks commencing May 2020 in accordance with Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012 be approved;
- (3) That the subsequent submission of the documents to the Secretary of State under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012 subject to no material changes, other than alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections, being necessary be approved;
- (4) That the Head of Planning be authorised to agree any draft “main modifications” to the City Plan Part Two necessary to make it sound and to authorise the publication of such draft modifications for public consultation save that should any draft modification involve a major shift in the policy approach of City Plan Part Two the draft modification shall be referred by the Head of Planning to the Tourism Equalities, Communities & Culture Committee for approval.

## **56 REGULATION OF SHORT TERM HOLIDAY LETS**

- 56.1 The report was introduced by Jo Player, Head of Safer Communities.
- 56.2 The Chair confirmed that two Amendments had been received from the Conservatives and the Green Party and that both amendments should be considered together. He then asked Councillor Nemeth to move the proposed Conservative Amendment.
- 56.3 Councillor Nemeth proposed the Conservative Amendment. He stated that he proposed that an existing member of the Council should be employed, so that an extra post would not be created. He confirmed that it was important that there was a separate point of contact within the team.
- 56.4 Councillor Mears seconded the Conservative Amendment.
- 56.5 The Chair then took a vote and the Conservative Amendment was approved.
- 56.6 The Chair then invited Councillor Ebel to move the Green Party Amendment.
- 56.7 Councillor Ebel moved the Green Party Amendment. Councillor Ebel gave an example of a hen party which demonstrated the problems that unregulated holiday lets caused,

which included noise pollution, residents lack of access to help and anti social behaviour. She added that the Green amendment would allow Officers to tackle the problem and she felt that both Amendments could work together.

- 56.8 Councillor Rainey seconded the Green amendment. Councillor Rainey added that there was a high proportion of properties that were empty during the week and then full at the weekend, citing examples of Camelford Street and Margaret St which both held a high numbers of rented houses, which needed to be regulated in future.
- 56.9 Councillor Powell stated that what had been a simple idea had now become a multi million pound business that had become unbearable and she highlighted point 2.3 on the contact was definitely required.
- 56.10 Councillor Nemeth queried whether council tax payment was an issue within this and the Chair replied that this issue did not need to be checked.
- 56.11 Councillor Ebel stated that it was not regulated, as in Denmark where Air BnB bookings were sent straight to the tax man. The Head of Safety stated that she was happy to look into the issue of tax which could be conveyed via email after the meeting.
- 56.12 Councillor Simson stated that she thought the recommendations required strengthening and that the Green amendment required too many resources to implement.
- 56.13 Councillor Hill stated that Labour had already looked into the matter in depth and that this issue needed to be addressed nationally, since the right regulations were not currently in place to do this. She gave the example that a C3 – a whole house let, should be regarded as a business, in order to be regulated properly. She added that the only issue with the Conservative amendment was a time issue and that time was required to address properly and therefore the Conservative amendment was not realistic. She therefore concluded that she was minded to support the Green amendment, but not the Conservative amendment.
- 56.14 Police Officer Nick May stated that he had spoken to Council Officers about the issues regarding Anti Social Behaviour (ASB) and drug dealing and that these were significant issues that the Police did not have the facilities to cope with and that regulations were required. He stated that they could deal with immediate criminality but that any thing the council could do to strengthen the enforcement on these issues would be welcome.
- 56.15 The Executive Director, Families Children & Learning stated that from an Officer perspective, the Council was happy to set up a contact to the deal with the problem, which would consist of more than just one single person. He added that regardless of which amendment was passed, a designated contact point could be put in place.
- 56.16 Councillor Simson confirmed she was happy to vote for the Green amendment due to the urgency of the matter.
- 56.17 There was then a ten minute detailed discussion about how wording of individual paragraphs of the two amendments could be combined and then adjusted in order to be approved. After the discussion, an agreed composite of both Green and Conservative Amendments was confirmed by the Legal Advisor.

56.18 The Chair then took a vote and the revised composite Amendment was agreed.

56.19 **RESOLVED** that the Committee:

- 1 Noted the content of this report
- 2 Agreed to officers using existing powers to investigate and respond to complaints about short term holiday lets, ensuring a co-ordinated approach to enforcement between services.
3. Agreed that the Interim Director Housing Neighbourhoods and Communities (ID) will determine which is the most appropriate department to be the central point of contact (POC) for residents and others to raise concerns about short term holiday lets with, and for that department to be responsible for co-ordinating the efforts described in 2.2 and liaising with the complainants. The council will also publish by way of general communication and on the website the point of contact details for the public to use. The website to be updated no later than 30th April 2020. The ID to update Committee Members once the actions are complete.
4. Agreed that the Interim Director of Housing, Neighbourhoods and Communities:
  - a. explore the feasibility of setting up an officer 'task force,' that could jointly share information, resident concerns and help address problems raised by short-term holiday lets. This could, for example comprise of a Planning Officer, an EHL Officer, a Community Safety Officer, a Field Officer, a Highways Officer, a representative from Cityclean, a Private Sector Housing Officer and a Licensing Officer.  
The feasibility should take into consideration any resource issues among staff teams.
  - b. Set up mechanisms to further promote the options available to residents affected by a short-term holiday let or 'party house', such as through:
    - Raising awareness of the role and jurisdiction of the planning enforcement team;
    - Raising awareness of the work and role of the council's noise complaint service (EHL);
    - Any other appropriate measures that will build as rich a picture as possible of the city's short term holiday let/party house lets, particularly in lieu of a registration scheme or any similar powers emerging from government.
5. Noted that officers are actioning the requests in the Notice of Motion to lobby central Government for a national registration scheme and for enhanced enforcement powers for officers to deal with issues caused by these types of properties and to write to Air BnB regarding a consultation. Committee asks the Chief Executive to write to the Secretary of State seeking changes or additions to legislations as

follows:

- Nationally prevent tax evasion similar to those applied in Denmark, where owners' tax details and income will automatically be sent to the authorities by AirBnB (and other providers),
- Nationally introduce a new planning use class for such holiday lets or measures for such properties to apply for a change of use class from C3 to another appropriate use class (e.g. C1): in order to convert a property from a residential unit into a short-term letting place.
- Introduce measures that permit local authorities to monitor and restrict the maximum number of short-term holiday lets or 'party houses,' permitted in one street; similar to the recently approved BHCC Art. 4 Direction for HMOs with a maximum % threshold.
- Detail the feasibility of any short-term holiday let regulations or measures that can help local authorities to reflect the pressure on neighbourhoods and local housing need, such as a minimum, or maximum length of stay in areas of high density 'short term holiday lets,' and in high housing need;
- Introduce a requirement that operators in the market share data on the location of properties with the local authority;
- Introduce mechanisms for supporting local authorities to address issues of use/duration/frequency of short-term holiday lets where such measures can have a beneficial effect on local housing need and on communities.

## **57 SWIFT BOXES IN NEW DEVELOPMENT**

57.1 The Head of Planning gave a brief summary of the report which had been requested by Full Council in 2019. She highlighted the two main recommendations: 1. Noting that work had already been done with the assistance of the County Ecologist on Bee bricks and the differences between Swift Boxes and bricks. She confirmed that the officer recommendation was that this was agreed from 1<sup>st</sup> April 2020.

57.2 Councillor Ebel pointed out that swifts needed to eat insects and thus it was important to ensure there was wildlife around the Swiftbox.

57.3 The Chair confirmed that an Amendment had been received from the Conservative Group and asked Councillor Nemeth to move the amendment.

57.4 Councillor Nemeth brought in examples of swift bricks to show the Committee and said he was delighted to bring this to the Committee as he was concerned that Swift Bricks could be filled in, but Swift Boxes could not. He stated that the Amendment was a clarification on the terminology.

57.5 The Amendment was seconded by Councillor Mears.

57.6 The Chair took a vote and was agreed unanimously.



**57.7 RESOLVED:** That the Committee

- 1 Noted the introduction of a model planning condition and informative requiring the provision of bee bricks which have been attached to all planning permissions for new build developments from 1<sup>st</sup> November 2019.
- 2 Agreed to the introduction from 1<sup>st</sup> April 2020 of a model planning condition and informative (Appendix 1) requiring the provision of swift boxes (including swiftbricks) in planning permission granted for new development and an informal advice note, as set out in paragraphs 3.6 to 3.8 of the report (Appendix 2) and grants delegated authority to the Executive Director Economy, Environment & Culture to make minor amendments to the note having consulted the members of the three Groups who sit on this committee in advance of implementation.

**58 REVIEW OF PLANNING SERVICE FEES & CHARGES 2020/21****58.1 RESOLVED:** That the Committee

- 1 Granted delegated authority to the Executive Director Economy Environment & Culture to agree the final lump sum fee rates for the proposed new charging structure for PPAs in Appendix 1
- 2 Re-confirmed delegated authority to the Executive Director Economy Environment & Culture to negotiate fees for lar scale PPAs outside the new charging structure set in 2.1 above, based on the hourly cost of officers, agency/consultant planning, transport and other specialist staff as required
- 3 Agreed the new rates and simplified fee structure for PAA for applications for householder and small scale projects outlined in Appendix 2
- 4 Approved the proposed fees and charges increases for Building Control outlined in Appendix 3

**59 ROYAL PAVILION AND MUSEUMS SERVICE - ANNUAL SERVICE PLAN**

59.1 Donna Chisholm, Assistant Director Culture Tourism & Sport and Janita Bagshawe, Head of Royal Pavilion and Museums gave a brief summary of the report, which recognised the work involved in the transfer of 190 members of staff . It was confirmed originally at the P & R Committee on 5<sup>th</sup> December 2019 that the Annual Service Plan should be presented at the beginning of each financial year.

59.2 Councillor Mears congratulated the Head of Royal Pavilion and Museums on the report and the Chair also noted Julian Crampton's input into the report.

**59.3 RESOLVED:** That the Committee

1. Approved the Annual Service Plan for 2020-21.

**60 REVIEW OF THE WASTE AND MINERALS LOCAL PLAN**

- 60.1 The report was introduced by Steve Tremlett, Principle Planning Officer.
- 60.2 Councillor Rainey asked about the reliance on imported minerals and asked where they were sourced and what the possible environmental impact of the transport arrangements. The Principle Planning Officer replied that gravel was still being transported some distance from the East of the county to Brighton and Hove. He also stated that some came from Surrey and marine- dredged aggregates came from Shoreham Harbour. He stated that they had requested that the impact of this would be taken into account within the planning and environmental processes.
- 60.3 Councillor Nemeth raised the issue of Waste disposal, stating that there could be up to 50 companies in the City owning up to 100 caged vehicles who dispose of waste which would incur 100 trips to a waste transfer station – which had previously been delivered to the Moulsecoomb site. However, now if zero flytipping was to be achieved, this waste now had to be transferred to Newhaven. He highlighted the knock-on effect for the building trade in addition to litter on the A27. He confirmed that the Conservatives would not support this report, but would abstain in order to alert the committee to this problem.
- 60.4 The Principle Planning Officer replied that this was a valid point and that a lack of waste sites could be a problem.
- 60.5 Councillor Hill stated that flytipping was a massive issue in the city and that possibly amnesty days were required.
- 60.6 Councillor Nemeth stated that the Council needed to look at the policy on existing tips. Councillor Mears added that the Council should look into at the waste tip at Sheepcote Valley.
- 60.7 Nick Hibberd, Executive Director, Economy, Environment & Culture stated that the ETS Committee had been asked to look at the change in waste disposal. He stated that through the Environments Bill, they were aware of the effects of Newhaven and that these concerns could be brought to the ETS committee in the future.
- 60.8 Councillor Hill asked if there was a shortage in the supply of minerals. The Principle Planning Officer replied that the local quarry was providing 100K per year, but a robust supply was required which involved liaising with other councils.
- 60.9 **RESOLVED:** That the Committee
1. Noted the representations made to the Waste and Minerals Local Plan Review Scoping Consultation and Call for Sites undertaken from 25 September to 20 November 2017 (summarised in Appendix 1);
  2. Approved the publication of draft revised policies for public consultation, together with the following supporting documents: Sustainability Appraisal, Strategic Flood Risk Assessment and Equalities Impact Assessment.

## 61 ITEMS REFERRED FOR FULL COUNCIL

61.1 There were no items referred for Full Council.

The meeting concluded at 6.48pm

Signed

Chair

Dated this

day of



**BRIGHTON & HOVE CITY COUNCIL**  
**TOURISM, EQUALITIES, COMMUNITIES & CULTURE COMMITTEE**

**4.00pm 7 MAY 2020**

**VIRTUAL MEETING - SKYPE**

**MINUTES**

**Present:** Councillor Robins (Chair) Ebel (Opposition Spokesperson), Nemeth (Group Spokesperson), Childs, Evans, Mears, Powell, Rainey and Simson

**Other Members present:** Anusree Sasidharan, Joanna Martindale, Lola BanJoko and Nick May.

**PART ONE**

**62 PROCEDURAL BUSINESS**

**62(a) Declarations of substitutes**

62.1 Councillor Appich was present as substitute for Councillor Grimshaw.

**62(b) Declarations of interest**

62.2 *(Councillor Powell indicated an interest as she was employed by Sussex Police.)* - check

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

62.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

62.4 **RESOLVED** – That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

**63 MINUTES**

63.1 It was established that minutes of the previous meeting on the 16th January 2020 were submitted in error.

63.2 **AGREED** – that the minutes of the most recent meeting held on the 5 March 2020 be brought to the next Committee.

## 64 CHAIRS COMMUNICATIONS

### 64.1 The Chair gave the following communications:

“On Saturday 2 May the Children’s Parade, the traditional curtain opener to the Brighton Festival, took place - on line. SameSky, our local innovative arts organisation, invited all to take part from their living rooms, gardens, balconies and front steps. Hundreds of people used costumes and props they had spent hours making in the run up to the event. The event was set on its way by a local samba band. Demonstrating the creativity for which the city is known this will hopefully be the first of many ways our once thriving events sector keeps itself at the forefront of the UK’s arts scene.

Royal Pavilion & Museum have focused their efforts on engaging more people online during lockdown. Over 30 members of staff, including some who usually work in front of house roles, are contributing and learning new skills. To date this includes a brand new Close Look Collections website, online jigsaw puzzles, a second season of its podcast, and more content on its blog and social media. This work has been featured on Radio Sussex, ITV Meridan and the BBC's Culture in Quarantine programming.

VisitBrighton have secured £19k grant from the Destination Management Organisation Resilience Fund administered by Visit Britain. They have been liaising extensively with Tourism South East, Tourism Alliance and Visit Britain, ensuring Brighton is represented locally, regionally and nationally. The team are actively disseminating government guidance and advice via a daily e-newsletter to tourism businesses and are working collegiately with Brighton and Hove stakeholders to prepare a post-lockdown marketing campaign, as well as promoting and supporting Brighton & Hove businesses who are offering delivery services. They are working with conference and event’s organisers to re-schedule events, ensuring business is retained in the City for the recovery period and have secured press coverage in 20 region newspapers highlighting Brighton as top 5 destination to visit post-lockdown

VisitBrighton launched Big BrightonONline Weekender to be virtually hosted from 8 – 10 May, bringing together the best of Brighton’s festival performances, to enjoy from the safety of your armchair which has already secured 13k followers.”

## 65 CALL OVER

### 65.1 The following items were called:

- 69 Adoption of Brighton & Hove Community Infrastructure
- 70 Community Safety and Crime Reduction Strategy 2020-2023
- 71 Brunswick Square & Terrace Repainting 2020
- 72 Pride 2021

## 66 PUBLIC INVOLVEMENT

### (A) QUESTIONS

**(i) Operational Measures and Tourism Marketing Strategy**

66.1 The Democratic Services Officer submitted the following question on behalf of Ms Julia Weeks:

“If as Nicola Sturgeon has said "Social distancing and limiting our contact with others will be a fact of life for a long time to come. Certainly, until treatments and ultimately a vaccine offer different solutions. So that means possibly for the rest of this year or even beyond" what operational measures will be put in place, eg on our beaches/seafront, and what will our (responsible) Tourism marketing strategy for the city be?”

66.2 The Chair provided the following response:

The operation of the Seafront will continue to be guided by the requirements as issued by Central Government. The council continues to work closely with Sussex Police on the operational requirements of the Seafront for this very important outdoor recreational area for the city.

As part of the Council's corporate approach to the city's recovery, VisitBrighton are currently working with City Stakeholders to develop a joined-up Visitor Economy plan, which includes marketing, and would be initiated at the appropriate moment as and when Government guidance is clear on the easing of lockdown. Full consideration as to how to promote travel and tourism in a responsible way will be a key part of this initiative. VisitBrighton are also engaged with various Regional and National bodies such as Tourism South East and VisitBritain to be involved and included in any recovery campaigns as they develop.”

**67 MEMBER INVOLVEMENT****(B) QUESTIONS****(i) Madeira Terraces**

67.1 Councillor Nemeth put the following question:

“With hindsight, (i) what alternative actions should have been taken to prevent the collapse of Waterhall Golf Club after nearly 100 years in operation and (ii) to ensure that Waterhall Golf Course did not close without a tenant in place?”

67.2 The Chair gave the following response:

- (i) “There were not alternative actions that should have been taken. The membership of the Golf Club had declined significantly over the years and unfortunately Waterhall Golf Course was not financially viable to operate as a golf course.
- (ii) The lack of financial viability for Waterhall as a golf course meant it was unrealistic for the course to keep operating at the end of the Golf Management Contract.

There is a strong desire from the TECC Committee for a rewilding option to be established at Waterhall Golf Course. Due to the need for grant applications to be developed for this use, alongside ecological surveys to assess the feasibility of the various grants it is unrealistic to expect a tenant to be in place immediately the golf course closed. Preferred leaseholder status was approved by Policy & Resources committee to allow further dialogue and negotiation.”

67.3 Councillor Nemeth put forward the following supplementary question:

“Can assurance be given that land won’t be (check audio)

67.4 The Assistant Director Culture, Tourism & Sport gave assurances that there was no intention to let the club house out separately and that BHCC were currently in negotiations with a view to bringing a report back to TECC Committee in June.

## **(ii) Holiday Lets**

67.5 Councillor Nemeth put the following question:

“How many standard residential units – flats, houses or otherwise – have been registered to pay business rates rather than Council Tax (i) in total and (ii) annually since 2015?”

67.6 The Chair gave the following response:

“In answer to the first part of your question, the number of standard residential units that have registered to pay business rates rather council tax in 2020/21 is 290. At this time of great difficulty for many, the rates team have prioritised paying out business rates grants to the remaining 1300 eligible organisations in the city. For this reason, they will respond directly to you Councillor Nemeth on the second part of this question regarding previous annual numbers, because this requires some research into five years of records.”

67.7 When invited to put a supplementary question, Councillor Nemeth expressed concern regarding efforts being undertaken by some to exploit a loophole to evade Council Tax and enquired if there was discretion to stop this.

67.8 The Chair noted that the rates team were currently busy with the processing of grants for 1300 people.

## **(iii) Tourism Business Grants**

67.9 Councillor Nemeth gave the following question:



“Why is Brighton & Hove behind other local authorities when it comes to providing local Tourism Businesses with corona virus grants from Central Government and what urgent actions are being carried out to rectify the situation?”

67.10 The Chair gave the following response:

“Council officers have been working seven days each week to process and release grants to thousands of businesses across the city. This is being completed within the guidance issued by government and according to the Council’s financial procedures. The Council has a responsibility to ensure that public funds are granted to businesses which were actively trading and occupying premises in March 2020. There are over 30 officers working to distribute grants to eligible businesses, and the final group of difficult-to-reach small businesses are being contacted - in many cases for the second or third time - by the end of next week. Additional resources have been deployed to enable this.”

“

67.11 When invited to provide a supplementary Councillor Nemeth enquired of the reason for being behind.

67.12 The Chair stated that it was difficult to reach smaller businesses.

67.13 The Assistant director Culture, Tourism & Sport agreed noted the large number of start-up companies in Brighton and Hove and stated that given the level of turnover in premises leasing compared to other areas such as Chichester was an unfair comparison. The Committee were reassured that a large number of personnel were working on this.

**(iv) Tourism Business Resilience**

67.14 Councillor Nemeth gave the following question:

“What studies, if any, have been carried out to analyse the resilience of Tourism Businesses in Brighton and Hove in light of the Corona Virus crisis and what follow-up actions have resulted?”

67.15 The Chair gave the following response:

“The All Party Parliamentary Group for Hospitality and Tourism has gathered evidence as part of an urgent inquiry into the measures that businesses in this vital part of the UK’s economy will need in order to successfully reopen, recover, and thrive in the aftermath of the COVID-19 crisis. The key focus of the inquiry is to assess what is needed to get businesses in these sectors back on their feet at the appropriate time, providing forward-looking recommendations to guide Government as they move to planning recovery. The consultation asked businesses to provide details relating to their resilience in handling the current crisis, and what actions they would like to see from Government. It also consulted on the internal and operational challenges that businesses will face when looking to reopen. Details of this consultation was shared with over 1000 tourism stakeholders / businesses in Brighton & Hove and we anticipate using the published results, anticipated later this month, to inform the Council’s Recovery Plan.”

**(B) NOTICES OF MOTION****(i) Compulsory Nature Checklist**

67.16 Councillor Nemeth moved the following Conservative Notice of Motion:

“This Committee was very generous in the past in supporting Conservative proposals on swift boxes and bee-bricks and Full Council was similarly generous in agreeing to lock at other conservation features during the City Plan part 2 process. As everyone know Swift boxes and bee brick are now compulsory in new developments including extensions, the purpose of making this compulsory was in the congregated negotiations during the planning application there was not time to individually negotiate every single item like this. The idea for the two features was that nobody disagreed with them. As Conservatives we believe there are 4 or 5 other features that could be easily incorporated in to the cost.

Therefore, this committee resolves:

- 1) To update SPD11 to refer to a range of other low-cost nature conservation features that can be secured through new development.

67.17 The Chair provided the following response to the Notice of Motion:

“Thank you for your Notice of Motion. I can confirm that an update to the Nature Conservation SPD is a piece of work already identified by the Sustainability and Planning Policy Teams and in the pipeline for this year. The Notice of Motion can be supported as it is resourced and will help to deliver the priorities of the City Council.”

**68 COVID-19 IMPACT ON THE VISITOR AND EVENTS ECONOMY - UPDATE**

68.1 The Committee considered an update which sought to brief members on the impact of Covid 19 on the Visitor and Events economy. This was provided by the Assistant Director Culture, Tourism & Sport. It was noted that Covid 19 had affected many areas such as retail and small businesses. It was stated that in the past 2 months sectors involved with selling directly to customers had been affected the most. The committee were informed of the expected long term impact with regard to festivals and the arts and culture sector.

68.2 Councillor Ebel enquired of BHCC’s response with regard to businesses that were closely related to the tourism sector but which fell through as they were not guarded,

68.3 The Assistant Director Culture, Tourism & Sport stated that BHCC were awaiting further clarification from the Government.

68.4 Councillor Powell enquired of the impact on the third sector and voluntary partners.

68.5 The Assistant Director Culture, Tourism & Sport acknowledged that this sector was struggling as the normal route in which to raise funds had dried up. It was agreed that a written response would be provided.

68.6 **RESOLVED** – that the Committee noted the update.

## 69 **ADOPTION OF BRIGHTON & HOVE COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

69.1 The Committee considered a report of the Executive Director Economy, Environment & Culture which sought to seek formal approval for the first Brighton & Hove Community Infrastructure Levy (CIL), summarised the preparations process required for the CIL Charging Schedule and receive approval for the constitutional changes required to administer CIL and other developer contributions. The report was provided by the Assistant Director Culture, Tourism & Sport.

69.2 **RESOLVED:** That committee:

1. Noted the receipt of the CIL Examination Inspector's Final Report recommending approval for the Brighton & Hove CIL Charging Schedule is approved.
2. Recommended that the CIL Charging Schedule was referred to Full Council for formal adoption.
3. Recommended that the constitutional changes required to administer CIL and other developer contributions as set out in section 4 and Appendix 3 of this report be referred to Full Council for approval.

## 70 **COMMUNITY SAFETY AND CRIME REDUCTION STRATEGY 2020-2023**

70.1 The Committee considered a report of the Interim Executive Director Housing, Neighbourhoods & Communities which sought to inform members on measures taken to address crime and disorder in Brighton & Hove. The report was presented by the Head of Safer Communities.

70.2 On behalf of the Conservative Party, Councillor Simson moved a motion to add a recommendation 2.3 and 2.4 as shown in bold italics below:

**2.3 *Authorises officers to prepare an addendum or briefing note in advance of Full Council to outline the implications of the ongoing Corona virus crisis on the Strategy.***

**2.4 *Requests an Officer report on the specific issue of anti-social behaviour on Hove seafront for the next meeting of this committee. The report will detail, but not be limited to, vandalism of beach huts and other seafront structures and by-law contraventions.***

70.3 Introducing the motion, Councillor Simson noted that this motion was to take stock of upcoming changes during an era which would see a decrease in retail crime and burglaries while homelessness and reoffending would change.

70.4 Councillor Nemeth formally seconded the motion.

70.5 On behalf of the Green Group, Councillor Rainey moved a motion to adopt recommendation 2.3 as shown in bold italics below:

***2.3 That committee notes this Strategy was developed prior to Covid19, and therefore asks that officers discuss with the partners to this strategy how together we can respond to the impact of Covid19 on community safety, crime and policing, in areas such as;***

- ***changes in domestic violence reporting and incidences during 'lockdown,' and the changing nature of support that may need to be provided***
- ***reports indicating increased incidences of abusive behaviour directed at essential workers, and support available***
- ***concerns regarding enforcement in the community, support for officers and the consistent application of government guidance***

***and requests that officers report back to this committee on the work going on in this area.***

70.6 Introducing the motion, Councillor Rainey noted the issues experienced within her ward and stated that new crime hotspots had emerged while drug related crime was spreading out of the city centre. It was stated that this motion was to look at the unprecedented measures that were explored and activated where needed.

70.7 Councillor Powell formally seconded the motion.

70.8 Councillor Carmen expressed support for the Green Group amendment.

70.9 Ms Sasidharan-Biswas welcomed the depth of research included in the report along with the work on modern slavery.

70.10 Councillor Nemeth sought legal guidance on whether the proposed amendments from both parties were at risk of seeking to achieve the similar conclusions.

70.11 The Head of Commercial Law clarified that the amendments were aiming in the same direction to address the crime strategy during the Covid 19 pandemic. It was noted that the Conservative amendment sought to request a briefing note to Full Council while the Green Group amendment requested a report back to TECC committee following consultation with partners. It was concluded that both amendments could be agreed on technical grounds or Members could decide to seek approval for one.

70.12 Nick May gave a brief overview of the crime status in Brighton & Hove, it was noted that general crime had decreased by 20% during this period. It was noted that this had slowly risen since the outbreak. It was further stated that reported domestic abuse was below what was expected as were the rate of burglaries. Offences were down partly due to the emptiness of streets however efforts were being undertaken to prepare for an expected rise in crime in line with the potential prominence of economic hardship. A rise in bicycle theft was among the most prevalent crimes as a result of the Covid 19 pandemic.

- 70.13 Councillor Simson referred to the crime figures and enquired if this referenced against the Government guidelines.
- 70.14 Nick May clarified that the crime figures were of Sussex as a whole. It was further noted that 530 fixed issue penalty notices had been served with slightly fewer than 200 specifically in Brighton and Hove.
- 70.15 Councillor Evans noted the decline in crime numbers and noted the necessity for re-examining the domestic violence figures later in the year.
- 70.16 Councillor Powell noted the increase in shoplifting and requested further insight in to current figures regarding domestic violence. Councillor Powell sought further information as to measures taken to protect key officers and if Sussex Police could confirm that PCSOs had received the correct PPE. Further clarification was sought with regard to the Police's action in regard barbers opening in the City.
- 70.17 Councillor Ebel referred to the fixed penalty notices and requested rough numbers and enquired if there was an issue with people still travelling in to the City during the lockdown period. Further clarification was sought as to whether the Police had changed how victims of domestic abuse could report crime.
- 70.18 Nick May stated that there was an under-reporting of domestic abuse and that there may be more cases following review in future. It was stated that police officers took a robust stance when called out and looked to take offenders to court when evidence was attained. In response to an enquiry regarding St James' street drug use it was stated that further robust action had been taken on this and that 2 significant operations regarding county lines had been carried out. It was noted that Sussex Police wanted to focus on this to stop drugs coming in to the city and that, where possible, PCSOs were encouraged to patrol St James' street.
- 70.19 Ms Sasidharan-Biswas expressed concern regarding the drop of reported domestic violence during the lockdown.
- 70.20 Nick May stated that other ways of reporting domestic abuse was being considered such as PCSO's being placed in stores to provide a visible presence.
- 70.21 Councillor Powell noted that the BBC had reported a national rise in calls regarding domestic abuse to 49%. Confirmation of the correct provision of PPE for PCSO's was sought.
- 70.22 Nick May stated that Sussex Police had obtained the correct PPE and that all officers had been provided with the necessary equipment.
- 70.23 The Head of Safer Communities stated that there as an increase in calls to national domestic hotline however this was not the case locally. It was noted that campaigns were being considered in the area and that a pan Sussex campaign was being launched. It was noted that in regard to barber shops opening up within the city, this would be an issue for trading standards to deal with and not just Sussex Police. It was clarified that a lot of work was being undertaken to communicate with businesses to notify them of the guidelines.

70.24 Nick May further stated that a large number of staff were out on patrols across the City and seafront and encouraged officers, where possible, to visit other open spaces and communities. It was noted that a vast majority of the public were very understanding.

70.25 The Chair put the Conservative motion to the vote that passed.

70.26 The Chair then put the Green Party motion to the vote which passed.

70.27 The Chair then put the recommendations as amended to the vote that were agreed.

70.28 **RESOLVED:** That committee:

1. Recommended to Full Council that it adopted the Community Safety and Crime Reduction Strategy 2020-2023 attached at Appendix 2.
2. Noted this Strategy was developed prior to Covid19, and therefore asked that officers discuss with the partners to this strategy how together we can respond to the impact of Covid19 on community safety, crime and policing, in areas such as;
  - changes in domestic violence reporting and incidences during 'lockdown,' and the changing nature of support that may need to be provided
  - reports indicating increased incidences of abusive behaviour directed at essential workers, and support available
  - concerns regarding enforcement in the community, support for officers and the consistent application of government guidance

and requested that officers reported back to this committee on the work going on in this area.

3. Authorised officers to prepare an addendum or briefing note in advance of Full Council to outline the implications of the ongoing Corona Virus crisis on the strategy.
4. Requested an Officer report on the specific issue of anti-social behaviour on Hove seafront for the next meeting of this committee. The report would detail, but not be limited to, vandalism of beach huts and other seafront structure and by-law contraventions.

## **71 BRUNSWICK SQUARE & TERRACE REPAINTING 2020**

71.1 The committee considered a report of the Executive Director Economy, Environment & Culture which sought to defer the requirement for owners or occupiers to complete the repainting of their properties as required by the Hove Borough Council Act 1976 and to recommend that the quinquennial repainting cycle be realigned so that future cycles require completion by 31<sup>st</sup> December 2026, December 2031 and so on. The report was provided by the Service Development Manager.

- 71.2 The Service Development Manager noted the impact of Covid 19 and stated that works needed to be undertaken through spring and summer to ensure paint was robust and able to withstand weathering.
- 71.3 Councillor Ebel enquired if there was possibility to reduce costs and for lease and freeholders to be included in the decision process.
- 71.4 The Chair stated that this would be entirely down to residents not the Council. It was noted that the cost of paint was the same for everybody thus providing an even playing ground from large contractors and small businesses.
- 71.5 The Service Development Manager stated that it was feasible for works to be undertaken this year and next year.
- 71.6 The Chair stated clarified that every property in Brunswick Terrace had been surveyed and subject to detailed analysis with regard to a series of factors such as the effect of wind angles.
- 71.7 **RESOLVED:** That committee:
1. Agreed that, due to restrictions being placed on labour, access to materials (all consequences of the current Covid-19 outbreak), and the requirement to undertake the works during clement periods of weather the timescale to complete the current repainting requirement is extended by 12 months to 31<sup>st</sup> December 2021.
  2. Agreed to defer the deadline for subsequent quinquennial repainting requirements specified under the Act to 31<sup>st</sup> December 2026, 31<sup>st</sup> December 2031 and so forth.

## 72 PRIDE 2021

- 72.1 The Committee considered a report of the Interim Executive Director Housing, Neighbourhoods & Communities which sought to reaffirm Brighton & Hove City Council's commitment to work in partnership with Pride CIC to ensure delivery of the event in the City. The report was provided by the Head of Safer Communities.
- 72.2 Councillor Mears enquired if it would be extended to other events which were booked yearly to ensure that they had an opportunity to success as well.
- 72.3 The Assistant Director Culture, Tourism & Sport confirmed that all events would be invited and that a diary for all organisations who had cancellations this year would be kept open.
- 72.4 Councillor Powell moved a motion to amend recommendation 2.3 and to add a recommendation as shown below in bold italics:

**2.3** That the above June report sets out the estimated costs to the Council of supporting the event in 2021, and in ***recognition the context*** of the significant financial ***drain losses likely to affect all council, community events and community and voluntary services*** following the Covid 19 crisis, ***and how such costs will be***

~~recovered both in 2021 and in subsequent years~~ that such a report will also:

- *make clear the council's continued commitment to the LGBTQIA+ community and the annual Pride event, with acknowledgement given to the work of Pride CIC, costs absorbed by both the council and event organisers*
- *detail the significant revenue allocated to the Rainbow Fund, and which is subsequently given to smaller LGBT+ organisations and HIV projects across the city*
- *explore how the Council can continue to support Pride while recovering any necessary costs, to ensure the event can continue in challenging times*

**2.4** *That in light of the cancellation of Pride 2020, that the Council continues to explore ways in which diversity and inclusion can still be celebrated through positive communications, in collaboration with LGBTQIA+ organisations in the city*

72.5 Councillor Ebel formally seconded the motion.

72.6 The Chair put the amendment to the vote which was carried.

72.7 The Chair then put the substantive vote as amended which was carried.

72.8 **RESOLVED:** That committee:

1. Agreed in principle to Pride CIC running the event for a further year in 2021. (Subject to consideration of the financial implications at committee in June).
2. Noted that a report would be presented to committee on June 2020 covering proposals for the operation and development of Pride from 2021.
3. Note that the above June report set out the estimated costs to the Council of supporting the event in 2021, and in recognition of the significant financial losses likely to affect all council community events and community and voluntary services following the Covid 19 crisis that such a report would also:
  - (i) Make clear the council's continued commitment to the LGBTQIA+ community and the annual Pride event, with acknowledgement given to the work of Pride CIC, costs absorbed by both the council and event organisers
  - (ii) Detail the significant revenue allocated to the Rainbow Fund, and which was subsequently given to smaller LGBT+ organisations and HIV projects across the city
  - (iii) Explore how the Council could continue to support Pride while recovering any necessary costs, to ensure the event could continue in challenging times



4. Continue to explore ways in which diversity and inclusion could still be celebrated through positive communications, in collaboration with LGBTQIA+ organisations in the city in light of the cancellation of Pride 2020.

**73 ITEMS REFERRED FOR FULL COUNCIL**

73.1 No items were referred to the next Full Council.

The meeting concluded at Time Not Specified

Signed

Chair

Dated this

day of



## **WRITTEN QUESTIONS FROM COUNCILLORS**

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by Members.

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

### **(i) Councillor Marianna Ebel**

#### **(1) Pesticides Used at Hollingbury Golf Course**

Following the lease for Hollingbury golf course being agreed with Circle, concerns have been raised about recent chemical damage to the greens. The chemical seems to have been used inappropriately and completely damaged the grass. Can you please confirm:

- a) what type of chemical was used on the golf course
- b) whether Circle are allowed to use this chemical under the terms of the lease
- c) whether Circle held the correct licence to spray this chemical
- d) that Circle complied with the relevant health & safety regulations when this chemical was applied
- e) that the Council has been carrying out checks to ensure any weed killers are used in line with the relevant regulations

#### **(2) Brighton & Hove Seafrost**

Due to the COVID-19 pandemic pubs and restaurants are closed and it is unlikely that they will fully reopen with no restrictions over the summer. As a result of this residents and visitors to the city will increasingly use the city's open spaces, and in particular the beach, Hove Lawns & the promenade. Whereas pubs & restaurants are licensed establishments controlled by the license holder, this does not apply for the city's open spaces. Even in a normal year without a pandemic it is a difficult task to keep beachgoers safe.

The Seafrost Team currently has only a limited number of staff. Can the administration look into increasing the team size to ensure the team has the capacity to keep beachgoers (visitors to our city as well as local people) safe?

**(ii) Councillor Stephanie Powell**

**1. Written Question on the City's Charity Sector:**

Local charities are at the heart of supporting some of our most vulnerable communities. They, like all of us, are adapting to new ways of working which present challenges. Given that the council's Equalities team provide some support to them, they will have some useful feedback on how charities are coping at this time. Could the Chair therefore detail how the council has supported local charities with the challenges presented by covid-19 including:

- A) Decrease in funding
- b) Adapting to new ways of working, including different ways of service delivery
- c) Providing training and support to staff
- d) Increase in Service Users
- e) Increase in new and/or complex needs from service users
- f) Operational challenges of charities and their staff
- g) Furlough, and minimised staff levels

**2. Written Question on Deployment:**

A number of staff who work in tourism roles have been deployed to services including Bereavement Services, and those residents receiving all levels of care through Adult Health and Social Care. Working in these areas would no doubt mean difficult, challenging and often distressing phone calls between the Service User and the council employee - some of whom may have never worked in a frontline capacity in this way before.

Could the Chair describe to the committee the types of training and support that staff are being offered at the outset, and on an ongoing basis during the pandemic to deal with this type of work?

**2. Written Question on Equalities:**

Last year, Resources Committee heard a report on the Council's fair and inclusive action plan, produced in response to a second Global HPO report. The report was triggered as little action had been taken between the 2013 report and the 2018 report. Could the Chair please assure the committee that the fair and inclusive action plan is in progress and commit to a future report to this committee?

**(iii) Councillor Clare Rainey**

**Libraries Plan**

At the Library Plan meeting in November 2019 it was agreed that a public survey, intended to inform the strategic plan for libraries in Brighton and Hove for the next four years (Libraries Plan 2020-2024) and an updated Stock Policy, would run for six weeks. The dates agreed for this survey, from Wednesday 26<sup>th</sup> February to Friday 10<sup>th</sup> April, were unfortunately affected by the COVID-19 lockdown as all libraries have been closed since 18 March. The intention was for other engagement work to take place with local community organisations, partner organisations and other stakeholders during this time as well as focus group work, to capture more specific qualitative feedback. This crucial six week engagement period was also cut short due to COVID-19. We appreciate that efforts have been made to compensate for this loss of consultation time. However according to the revised Libraries Plan timetable circulated in May a draft strategic plan will be prepared before any further consultation takes place. This is different to the original agreement of a six week consultation taking place before the plan is drafted, so the results of the consultation can inform the plan. Taking the need for social distancing into account can the administration commit to completing the consultation process as agreed before the strategic plan is drafted and if so, please can you explain how?

**(iv) Councillor Robert Nemeth**

**(i) Lifeguards**

Will the Chair urgently write to the members of this committee giving a full explanation as to why lifeguards are not in place (or were not in place if the problem has been resolved by the time of the meeting) on the beaches of Brighton & Hove?

**(ii) West Brighton**

Given the recent strength of feeling that was expressed by the public when Hove was downgraded to simply being a western suburb of Brighton by the Council, will the Chair commit to pushing for funding for 'Hove' boundary signage as existed in the past?

**(iii) Planning Rules Relaxation**

What plans does the Council have, if any, to examine which planning rules might be relaxed to stimulate the economy during/after the Covid crisis?

**(iv) Madeira Drive**

Will the Administration commit to the continuation of historic motoring events on Madeira Drive regardless of the street's future with regard to car use?

**(v) Planning Enforcement**

Please provide up to date statistics for this service which show the effect of the Corona virus on new cases, overall case numbers and solved cases.

**(vi) Waterhall**

How much has now been spent on mothballing Waterhall Golf Course since its closure by the Council at the end of March?

**(vii) Hove Lagoon Pump**

Will the Council publicly commit to putting in place a maintenance contract for the pump at Hove Lagoon, as per industry standards, to avoid unnecessary expense and closure as has now taken place at least twice at the Lagoon in the past two seasons?

**(viii) Bee Bricks**

Given the inevitable difficulties that exist in checking that bee bricks have in fact been installed on new developments as per the wishes of this committee, will the Council commit to writing to those who have gained planning permission after the relevant date last year to ensure compliance?

Geoff Raw  
Chief Executive  
Brighton & Hove City Council

Dear Geoff,

**VALLEY GARDENS PHASE 3**

I am submitting the following letter under Council Procedure Rule 23.3 to be included on the agenda for Tourism, Equalities, Communities & Culture Committee (TECC) meeting of 18<sup>th</sup> June 2020.

On the 31<sup>st</sup> May I wrote directly to Cllr. Appich in her capacity as the Chair of TECC Committee. Regretfully, I received no response or even an acknowledgement and I know that many in the city are keen to learn of her position and views on this matter especially as Cllr. Appich is the new tourism boss for Brighton & Hove. The following is the text of the 31<sup>st</sup> May letter.

In my capacity as, Conservative Spokesperson for Transport I write to you in respect to the current designs for Valley Gardens Phase 3 and its potential impact on tourism and businesses generally in the city.

Previously, whilst this project has been debated, your predecessor Cllr. Robins informed Environment, Transport and Sustainability Committee (Cllr. Robins was a member of that committee) that in his opinion, Phase 3 of Valley Gardens would not have a negative impact on tourism.

Further, Cllr. Pissaridou, the current Chair of Environment, Transport and Sustainability Committee dismissed the concerns of Anne Ackord who is both the Chief Executive Officer of the Pier and Chair of Brighton and Hove Tourism Alliance. Anne Ackord has expressed grave concerns about the current design of Phase 3 and the negative impact it would have on tourism.

Equally, the Valley Gardens Forum representing trading associations, businesses, the taxi trade and bus users, educational establishments, NHS practices, hoteliers, event organisers, the licenced trade, the hospitality industry and residents have been effectively side-lined in their attempts to constructively work with the council to find a solution that provides better active and public transport solutions in the area whilst maintaining the economic opportunities for the city.

With the unprecedented times we find ourselves in and the need for us to provide every opportunity for our economy to recover (and not do anything that could even remotely harm that recovery) I enquire as to your views and position on this matter.

Would you agree that it is unwise to progress the Phase 3 scheme as presently designed if there is a risk to economic recovery? Would you agree that all those involved in the economic DNA of our status as a tourist city would have a better understanding of how decisions will impact them than the council? Would you agree that at the very least they should be heavily involved in informing the council as to how to shape the city for the

prosperity of all and the revenue they generate, the taxes and rates they pay and the jobs they create.

Would you be prepared to meet with these entities in open forum to give you the opportunity to hear first hand their concerns and ideas (as opposed to just reading officer reports). Would you be prepared, if convinced by their views, to recommend that Phase 3 as presently designed be abandoned and redesigned with all stakeholders fully and properly engaged.

The council is setting up a climate assembly to help shape the city to achieve carbon neutrality by 2030. Do you think businesses should have an equal role to play in shaping how our economy can thrive?

You will hear argument about the expediency to deliver Phase 3. The Local Enterprise Partnership has recently agreed to place the funding in its next five-year plan; thus, funding is secure. With the council inevitably going to have to rethink its budget commitments because of Covid-19, do you think it unwise to presently commit to the expenditure required from the city's taxpayers for this phase?

The impact of Covid-19 is enormous and will require significant rethinking about many aspects of our collective future, how we do things and what is the priority for now. Is it not time to put Valley Gardens Phase 3 into that mix rather than pushing forward with all the risks that it brings?

I very much look forward to hearing from you.

With my best wishes,

Cllr. Lee Wares



<b>Subject:</b>	<b>Anti-social Behaviour Hove Seafront</b>		
<b>Date of Meeting:</b>	<b>18<sup>th</sup> June 2020</b>		
<b>Report of:</b>	<b>Interim Director Housing Neighbourhoods and Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jo Player</b>	<b>Tel: 29-2488</b>
	<b>Email:</b>	<b>Jo.player@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

Following an amendment by the Conservative Group at the May 2020 Tourism, Economy Culture and Communities committee, officers were tasked with producing a report outlining the specific issue of anti-social behaviour on Hove seafront. It was asked that the report detail, vandalism of beach huts and other seafront structures and bye-law contraventions.

**2. RECOMMENDATIONS:**

2.1 That committee note the contents of this report

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 From time to time Beach Huts in Hove (privately owned wooden structures) and the council owned brick-built Chalets which are located at various locations across the seafront are subject to vandalism. This can range from graffiti, removal of padlocks to more serious break-ins and sometimes theft. The structures which are most vulnerable are often those which are poorly maintained or not well secured.
- 3.2 There are over 450 beach huts and 22 chalets on Hove seafront.
- 3.3 In 2019 records show 5 chalets and 29 beach huts were subject to vandalism of some form.
- 3.4 In 2020 a total of 12 Beach Huts and 17 Chalets have been subject to vandalism of some form.
- 3.5 In May this year, 9 of the council owned Chalets in Hove were broken into (figure included in above total). It is not known whether any items were taken or if any further damage was caused inside. However, the Seafront Office spent some time re-securing these and contacting the tenants to inform them of the break-in.

- 3.6 The police have been investigating these incidents and have created a problem profile has been created so that the situation can be better managed and targeted.
- 3.7 Police have also briefed all officers patrolling the area, of the situation and are exploring whether direct patrol action is an option, especially at night. The police are currently doing more active patrols along the seafront (due to social distancing requirements) and speaking to members of the public and advising anyone they meet. For residents that are at the beach huts they are giving crime prevention advice. Messages regarding the police presence on the seafront and securing beach huts have also been sent out via social media.
- 3.8 CCTV is also present in seven fixed locations covering Hove seafront but do not cover all of the seafront in Hove.
- 3.9 The monthly Partnership Tactical Tasking and Co-ordination Group were asked to consider whether Hove Seafront should be adopted as a priority area to target to address crime and disorder and ASB in 2019. It was not felt that it was necessary at that time. It was further raised in May 2020 and again it was not identified as a priority area.
- 3.10 One complaint has been received by the Community safety casework team since January 2020 regarding ASB/vandalism on Hove Seafront. This related to tents on Hove Lawns.
- 3.11 There are several bye-laws in place that cover the seafront in Hove. These include:
- Cycling prohibited on the Promenade
  - Dogs must be on a lead on the promenade
  - No dogs on specific beaches from 1<sup>st</sup> May (this has been relaxed due to Covid-19 and is not being enforced at the time of writing)
  - No BBQ's on specific beaches
  - No BBQ's on Hove Lawns
  - No BBQ's on permitted beaches before 6pm
- 3.12 Seafront Officers report that these are often breached but formal enforcement action is difficult without Police assistance. Instead, officers educate, encourage and advise the public which does in most cases result in voluntary compliance.
- 3.13 In 2019, Seafront Officers engaged with 803 cyclists on Hove promenade and 464 dog owners whose dog was off a lead.
- 3.14 This year to date, officers have engaged with 464 cyclists across the promenades in Brighton and Hove and 505 dog owners in Hove.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1. There has been no analysis or consideration of any alternatives as this report is just for note

## 5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 There has been no consultation in the compilation of this report.

## 6. CONCLUSION

6.1 Whilst there has been a series of incidents on Hove seafront relating to vandalism of beach huts during May 2020, police and council officer interventions have addressed this particular issue.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

7.1 There are no financial implications arising directly from the recommendation in this report.

*Finance Officer Consulted: Michael Bentley*

*Date: 20/05/20*

### Legal Implications:

7.2 There are there are no legal implications arising directly from this report.

*Lawyer Consulted: Alice Rowland*

*Date: 18/5/20*

### Equalities Implications: None

### Sustainability Implications:

7.3 There are no sustainability implications

### Any Other Significant Implications:

7.4 None

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

**None**

### **Background Documents**

None

Appendix 1

Crime & Disorder Implications:

1.1 If used appropriately, the activities described in this report should enhance our capacity to tackle crime and disorder

Risk and Opportunity Management Implications:

1.2 \_None

Public Health Implications:

1.3 None

Corporate / Citywide Implications:

1.4 Proper application of the powers will help to achieve fair enforcement of the law and help to protect the environment and public from rogue trading and illegal activity.

<b>Subject:</b>	<b>Pride 2022 -2026</b>		
<b>Date of Meeting:</b>	<b>18<sup>th</sup> June 2020</b>		
<b>Report of:</b>	<b>Interim Executive Director Housing, Neighbourhoods and Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jo Player</b>	<b>Tel: 01273 292488</b>
	<b>Email:</b>	<b>Jo.player@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Lesbian, Gay, Bisexual and Trans (LGBTQ) community have staged an annual Pride event in the City for over thirty years; its history is diverse and it has grown with each successive event. It is now the UK's biggest Pride festival, with over 400,000 people taking part in the Pride weekend. The event is a key part of Brighton and Hove's identity as an inclusive and diverse city with a thriving LGBTQIA+ community.
- 1.2 Brighton Pride Community Interest Company has successfully run the event since 2013 with support from the city council and other statutory partners. Unfortunately, this year, due to the Covid-19 crisis the event had to be cancelled. In May 2020 the Tourism, Economy, Culture and Communities committee agreed to Brighton Pride Community Interest Company running the event in principle in 2021.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee gives consent to the Brighton Pride Community Interest Company to stage the Pride Parade through the city and a fenced and ticketed Pride Festival in Preston Park and Pride Village Party in the St James' Street area for the years 2021 – 2026 and grants delegated authority to the Executive Director Economy, Environment & Culture to agree the terms of the annual licences.
- 2.2 That the Committee grants delegated authority to the Executive Director Economy, Environment & Culture to reach agreement with BPCIC regarding cost sharing over a four year period 2021-2024 with the aim that full cost sharing, as set out in the report, is reached by 2024.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Brighton Pride Community Interest Company (BPCIC) has run the event in the city since 2013. A report to the Economic Development and Culture committee in November 2014 agreed that this organisation would continue to run the event until 2020 and would be able to increase the event so that BPCIC could become self-financing.
- 3.2 Pride events in the city include the Community Parade, Park Festival, Pride Village Party, the Pleasure Gardens and the Pride dog show. Pride also host a campsite at Waterhall. These events require considerable planning by BPCIC with extensive support from the city council and other statutory partners. A city wide safety advisory group, made up of statutory agencies and others, oversee the planning and ensure that event plans and safety controls are in place. In 2019 an independent safety advisory group was also formed to ensure that there was additional oversight of the event.

In addition to the recent report to the TECC Committee, two further reports regarding Pride have also come before committee. In March 2017 a report to Neighbourhoods, Inclusion, Communities and Equalities committee reaffirmed the council's support for BPCIC to run the event and that council officer time and capacity would continue to support. A report in 2018 went to the Tourism Development and Culture committee specifically looking at the impact of the Pride Village Party on the local community. Committee agreed that the event should continue to be held in the St James' Street area and that BPCIC would continue to manage it, meaning the city council was not required to. Capacity for this part of Pride is for 42,000 attendees on both the Saturday and the Sunday. This does include approximately 8,000 passes for residents and businesses which are not charged for by BPCIC.

- 3.3 BPCIC is a not for profit community interest company. The aim of BPCIC is to provide benefit to the community or to trade with a 'social purpose'. Ticket revenue, sponsorship and concessions goes towards running the operational and running costs of the park festival, the community parade, the pleasure gardens and the Pride Village Party. In total income generated by all of the events managed by the CIC was just over £4m in 2019. This is from ticket sales, sponsorship and concessions. Expenditure to run the event amounts to approximately just under £4m. In 2018 public accounts showed BPCIC holding reserves of £592,237. Officers recognise that holding reserves is good business practice because of the annual risks the organisation is taking. Ticket prices vary depending on when they are booked and have not been raised for several years.
- 3.4 As well as this, money raised contributes to the Rainbow fund and the Pride Social impact fund. Since 2013, £920,000 has been raised for local charities and community groups, with just over £200,000 raised from fundraising donations in 2019. Attached at Appendix 1 is a list of the organisations that have benefitted from the Rainbow Fund with testimonials from some of those organisations.
- 3.5 It is envisaged that the event generates over £20m to the local economy in the run up to, and during the Pride weekend. In 2019 Pride introduced a City Angels scheme to engage businesses across the City to help support fundraising and community projects all year round. 26 businesses signed up in the first year each contributing £1000 to the fundraising pot.

- 3.6 BPCIC has managed and run a safe and well organised event for several years. This is particularly apparent with the Pride Village Party. Following concerns in 2013 that the event was becoming unmanageable, Pride took over the running and introduced a fenced-off ticketed area, resulting in a more manageable and safer event.
- 3.7 In 2020, due to the Covid-19 pandemic, the Pride has been cancelled. Due to the cancellation and the uncertainty going forward, BPCIC and officers have had discussions about arrangements initially for 2021 and then beyond. It is recognised that an event of this size does impact on council services, in terms of additional direct costs, loss of revenues and additional officer time. Although committee previously agreed to the council absorbing these costs in 2017, council budgets have seen significant reductions over the last few years and it is appropriate to work with BPCIC to agree a full cost sharing arrangement.
- 3.8 There are three main areas where costs impact on the council – in cleansing services, in highways, and in the use of council land and licences.
- 3.9 Based on previous requirements, City Clean have calculated that the cost to the council to clean up after the event would have come to just under £60,000 in 2020. These costs only relate to requirements within the Pride footprint and not to the additional cleansing undertaken in the surrounding areas, which would double this cost. In 2019 Pride arranged volunteers to clean up the beach following the weekend. Officers recommend that the costs for cleansing within the Pride footprint are recovered as part of the negotiations with BPCIC.
- 3.10 During the Pride event certain parking bays in the city are suspended resulting in an estimated loss of income to the council of approximately £16,000. Currently BPCIC does not reimburse the city council for these costs, unlike other events in the city.
- 3.11 The city council would also charge for the use of its land which cannot be let to other organisations over several weeks in July. Attached at appendix 2 is the current fees and charges document that would be levied against event organisers using council land. These will vary depending on the size of the event and the status of the event organiser. Charities and community groups are charged at a lower level than commercial events. Under previous arrangements BPCIC did not pay for the use of land at the Victoria Gardens/Old Steine, Preston Park or Waterhall for the campsite. Officers recommend that BPCIC are charged the community rate, which is the lowest, for the use of Preston Park, Waterhall and Victoria Gardens/Old Steine, which would amount to £17,825 in 2020.
- 3.12 The city council currently grants consent for BPCIC to use its licence in Preston Park. This amounts to £40,000 which is not a cost to Pride. Officers believe that this could continue to be met by the city council. Pride does pay the council for the use of its license at the Old Steine and individual premises pay their annual premises licence fee in St James's Street.

3.13 Not all of the costs set out above include officer time. Highways estimate additional officer time to administer the annual Pride event requirements amount to £3,500. Other council teams such as the cleansing, events and licencing absorb these costs. In total, the annual cost of officer time is likely to be in excess of £15,000. Assuming the event remains largely the same, the city council will absorb these costs over the period, to assist BPCIC in making Pride a success.

3.14 Officers have held initial discussions with BPCIC about how the cleansing, highways and land use costs can be built into the Pride business model over four years from 2021. The costs of licencing for Preston Park, for additional cleansing outside of the Pride footprint, and for officer time would be covered by the city council. In total the council would seek to recover £94,000 from Brighton Pride CIC up until 2024 but would absorb costs amounting to £105,000 during the period of the agreement.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 No other alternative option was considered as only close partnership working between the council, other public sector bodies and BPCIC can ensure the delivery of a safe and successful Pride event.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 There has been no recent consultation in the compiling of this report. However community engagement is carried out on an ongoing basis by Brighton Pride CIC with local businesses and the wider community.

#### **6. CONCLUSION**

6.1 Brighton Pride is an outstanding annual event in the city which has been successfully developed since 2013 by BPCIC. The city council will continue to support the event under future cost sharing arrangements.

6.2 The proposals relating to cost sharing for the annual Pride event are achievable because BPCIC should be able to gradually include these costs in their business model over four years. Early discussions indicate that organisers believe cost sharing over time is reasonable. BPCIC has run a very successful and safe event for many years and the city council supports this continuing to grow and change.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

7.1 The costs involved in the city council supporting the annual Pride event are set out in the main body of the report. It is proposed that agreement is reached regarding cost sharing over a three year period 2022-2024 with the aim that full cost sharing, as set out in the report, is reached by 2024 and included thereafter on a yearly basis.



Legal Implications:

- 7.2 It is proposed that the BPCIC enters into an annual licence to run the event which will make clear what their responsibilities are. Legal services will draft the licence. There are no other legal implications arising out of this report.

Lawyer Consulted: Alice Rowland

Date: 08/06/2020

Equalities Implications:

- 7.3 Events in Brighton and Hove cater for people from all sectors of the community. This event is specifically aimed at the LGBTQ+ community living in the city as well as welcoming LGBTQ+ visitors from national and international destinations. Pride generates significant positive media coverage for the city as a place to live in and to visit. It should be noted the event is a clear demonstration from voluntary, public and private sector organisations of their commitment to equality and diversity in Brighton and Hove.

**SUPPORTING DOCUMENTATION**

Appendix 1 list of organisation supported by the Rainbow Fund and Social Impact Fund

Appendix 2 Fees and Charges for Events 2020/21





## FUNDRAISING - A PRIDE WITH PURPOSE

**A** *Pride with Purpose*, Brighton & Hove Pride has raised over £920,000 for community good causes in the past seven years thanks to the support of businesses, sponsors and the many thousands of people that purchase tickets for the Pride Festival in Preston Park and Pride Village Party.

Brighton Pride CIC is a not-for-profit community interest company asset locked to and fundraising for for The Brighton Rainbow Fund, a Brighton and Hove based grant-giving charity for local LGBTQ+ and HIV/AIDS organisations.

Brighton Pride CIC is not established for private gain - any surplus or assets are used principally for the benefit of the community. As quoted in the original incorporation documents, it's objectives are:

- to carry on activities which benefit the community and in particular to enhance the lives of the citizens of Sussex by encouraging the inclusion, acknowledgement and understanding of the transgender, lesbian, gay and transsexual community principles
- to enable participating local business, charities, coluntary organisations and other organisations to increase their skill base and gain more insight into the LGBT community

THE BRIGHTON  
**RAINBOW  
FUND**



The Brighton Rainbow Fund is registered with the Charity Commission as a Charitable Incorporated Organisation (CIO) with a remit to receive donations, mainly from funds raised within our local LGBTQ+ communities, and to distribute them as grants to LGBTQ+ and HIV groups and organisations in Brighton and Hove. We have no premises, or paid workers, so all donations can go to the good causes.

For fundraisers, whether it be local businesses and venues, individuals, or local fundraising groups, we are a trusted and transparent way of making sure that the funds they work so hard to raise go where they are needed, without having to make difficult choices between competing requests for support from local organisations.

In the 30 year history of Brighton Pride, in its various incarnations, there has always been an element

of fundraising, with varying degrees of success. As a Community Interest Company and under the leadership of director Paul Kemp and his team, there has been a declared intention of creating a "Pride With Purpose" with a minimum £1 from every ticket sold for the Pride Festival in Preston Park, and £1 from every wrist band sold for the Pride Village Party coming directly to The Rainbow Fund, and our independent grants panel, to assess applications for grants.

The Brighton Rainbow Fund distributes funds enabling groups and organisations to continue their work, and to fund some innovative new projects. On their behalves I would like to thank you for the support you give them by supporting Pride.

**Chris Gull,  
Chair of The Rainbow Fund.**

**THE RAINBOW CHORUS**

Outreach For Sign Language Users  
Up To £1,800

**RADIO REVERB**

The Hiv Happy Hour  
£2,000

**LUNCH POSITIVE**

The 50+ Supper Club  
Up To £3,100

**MINDOUT**

Out Of The Blue And Peer Support  
Group Work  
Up To £6,000

**MEN TALK HEALTH**

Development And Capacity  
Building  
Up To £6,000

**BLUEPRINT 22**

L Zone – Lesbian Visibility Project  
Up To £6,200

**RAINBOW CHORUS**

RC+ Project  
Up To £6,500

**OLDER AND OUT**

LGBT Elders Lunch Club  
Up To £6,600

**PEER ACTION**

Complementary Therapy And  
Yoga Sessions  
Up To £6,750

**TRANS CAN SPORT**

Video Project  
Up To £7,200

**QTIPOC NARRATIVES  
COLLECTIVE**

Community Led Mental Health  
Support  
Up To £7,500

**THE SUSSEX BEACON**

Positive Living Programme  
Up To £8,300

**THE CLARE PROJECT**

Tuesday Drop In  
Up To £8,500

**SWITCHBOARD**

Grief Encounters  
Up To £9,600

**THE CLARE PROJECT**

Core Funding And Charity  
Development  
Up To £9,700

**BRIGHTON & HOVE LBGTQ  
GROUPS**

Supported By Latest Cic  
Up To £9,500

**LUNCH POSITIVE**

Friday Lunch Club  
Up To £9,600

**SWITCHBOARD AND LUNCH  
POSITIVE**

Seed Funding For New LGBTQ+  
Befriending Service  
£10,000

**MINDOUT**

Counselling Service  
£10,000

**RADICAL RHIZOME**

Safe QTIPOC Social Space  
Up To £10,000

**BLUEPRINT 22**

Inside Out Project  
Up To £10,800

**SWITCHBOARD**

The Rainbow Cafe – LGBTQ+  
Dementia Support  
Up To £11,700

**ALLSORTS**

Support For Young LGBTQ+ People  
Up To £15,300

# RAINBOW FUND GRANT RECIPIENT TESTIMONIES

## **LONGHILL SCHOOL AND LATEST CIC**

The grant from the Rainbow Fund has allowed us to reach out to the LGBTQ+ groups that exist in local state schools and provide them with the opportunity to express their views and their aspirations through the medium of television. These groups are supported by amazing teachers and support staff in their own time, they believe as we do, that this is vital and the work that they do with us is both exciting and groundbreaking.

## **ALLSORTS**

The grant from the Rainbow fund allows us to support children and young people from the ages of 5-25 who are LGBT+ or unsure of their sexuality and/or gender identity through group work, one-to-one emotional support and outreach work to other youth projects across the City. This vital funding helps to reduce isolation, enables peer support and helps to build resilience whilst empowering children and young people.

## **MINDOUT - COUNSELLING**

"The grant from the Rainbow Fund will enable us to continue to provide a low cost counselling service run by and for LGBTQ communities, this much needed service has excellent outcomes for the people who use it. The Rainbow Fund has provided seed funding for us to pilot a relationship counselling service and a relationship skills peer support group."

## **MINDOUT - OUT OF THE BLUE**

Our second grant from the Rainbow Fund enables us to

provide peer support for LGBTQ people who experience suicidal distress 'Out of the Blue'. We provide a safe space for people to share their experiences and learn from each other.

## **MEN TALK HEALTH**

"MenTalkHealth believes that stigma around mental health prevents people from reaching out for help when they need it and so aims to get our community talking.

With the funds awarded from The Brighton Rainbow fund we will be able to provide free & reduced cost Mental Health First Aid training to LGBTQ+ venues and performers on the Brighton scene who are our front line to those struggling.

Mental Health First Aid training is expensive, costing an individual between £300-450. We are able to train up our own Mental Health First Aid Trainer who will then be able to train our community in the necessary skills to listen to and signpost those in our community who are struggling the most. "

## **THE SUSSEX BEACON**

"The grant from the Rainbow fund enables us to deliver our Positive Living Programme for people living and ageing with HIV. We run twice weekly exercises classes, mindfulness groups and online resources, in order to holistically support the physical and mental wellbeing of our clients and combat frailty"

## **SWITCHBOARD - GRIEF ENCOUNTERS**

"Thanks to our Rainbow Fund grant we are able to run our Grief Encounters

project for LGBTQ people who have experienced a bereavement. The sessions provide a confidential, safe and supportive space for LGBTQ people to share their experiences and coping strategies and explore their feelings surrounding grief"

## **SWITCHBOARD - THE RAINBOW CAFE**

"The Rainbow Fund grant for our Rainbow Café enables us to support LGBTQ people living with dementia, providing them with a safe space to socialise, take part in creative activities and access information and support"

## **SWITCHBOARD - LGBTQ+ BEFRIENDING SERVICE**

"Our Rainbow Fund grant is enabling us to work with our communities to develop a specialised befriending service for LGBTQ people and people living with HIV. This will provide support for the most isolated in our communities, as well as volunteering opportunities for those who wish to get involved."

## **LUNCH POSITIVE HIV LUNCH CLUB:**

"Funding for the HIV lunch club helps us reach and support hundreds of people each year. The lunch club is a locally unique and genuine community based project. A safe and supportive space that brings people together for food and friendship, peer-support and breaks the cycle of social isolation. With over 30 committed and highly motivated volunteers, this project involves everyone and reaches those very most in need"

**50+ HIV SUPPER GROUP**

"The Rainbow Fund grant supports this monthly gathering of people with HIV aged 50 and over. A safe, relaxed and peer-led place to share and socialise, with a special focus on peer support as we get older. For many people this is often remarked as "the first time they have seen anyone for a long time" or pleased they came as it is "the only reason for going out this week."

**RADIO REVERB HIV HOUR**

"The grant from the Rainbow Fund will allow us to continue broadcasting the UK's only radio show about living with HIV, and to distribute it as a podcast in order to reach a global audience. The programme educates listeners about HIV, connects people living with the virus with local support services, and destigmatises HIV by encouraging open discussion. The grant also allows us to continue a training partnership with the Terrence Higgins Trust's Work Positive programme, which helps those who are long-term unemployed due to health issues back into work."

**SIGN LANGUAGE USER OUTREACH**

The grant from the Rainbow Fund will allow us to become more inclusive, reaching out to those within the LGBT+ communities who are deaf or are sign language users and enable them to enjoy our performances and concerts. This has included working collaboratively with other choirs & Marco Nardi to provide a fully interpreted performance at the annual World Aids Day concert last December.

**BLUEPRINT 22 - THE L-ZONE**

Funding from The Rainbow Fund to run 'The L Zone' a youth led lesbian visibility project. The funding means that we are able to give young adults the opportunity and support they need to explore their identity, sexuality and self worth in a safe environment without judgement or prejudice. The project will bring a the voice of the next generation to the wider LGBT\* community in Brighton and Hove and will be used to inform future work in this area.

**INSIDE OUT**

The project which has been funded by The Rainbow fund is something that offers anyone from the LGBT\* community the chance to have 1-2-1 support for any issues they are facing in relation to their sexuality and/ or gender identity. This project also offers the chance for young adults to facilitate their own peer led workshops where they can discuss and share specific issues which they have and do face when growing up. All of these services are of huge importance to the youth LGBT\* community in and around the city and would not be possible without the support from the Rainbow Fund

**RAINBOW CHORUS - RC+**

The grant from the Rainbow Fund will allow us to continue this unique monthly workshop choir, open to all in the LGBT+ communities. In a safe, friendly space, members can drop in when their personal circumstances allow or attend regularly. They explore their singing voice, grow in confidence and make new friends at the social after each session.

**THE CLARE PROJECT**

**THE DEVELOPMENT FUNDING:**

"The continuation of development funding from The Rainbow Fund will enable us to continue our investment in the growth and sustainability of services supporting trans, non-binary, intersex and gender-variant folk. It will allow us to empower our trans-led organization to provide more opportunities for both engagement, work and volunteering for our TNBI community members"

**THE CLARE PROJECT**

**TUESDAY DROP-IN FUNDING:**

"This grant from the Rainbow Fund supports the continuation of our weekly Tuesday Drop-in for trans, non-binary, intersex and gender-variant adults. Approaching our 20th year of supporting the TNBI community, the fund enables us to provide regular mental health support spaces and socialising opportunities for our members."

**RADICAL RHIZOME**

"The grant from the Rainbow Fund makes it possible for Black and brown queer people in Brighton and Hove to regularly meet, helping us to build and fortify our burgeoning community, reducing isolation and enhancing social connectivity."

**PEER ACTION**

"The grant from the Rainbow Fund has allowed us to support people living with HIV in Brighton & Hove by making available affordable complementary therapies and yoga sessions in a space where they can relax and openly talk about what is going on with their lives without judgement."

## SUSSEX BEACON

The Sussex Beacon is the leading HIV charity based in Brighton.

*"We are proud to be supported by Brighton Pride, one of the UK's biggest, boldest and best Pride events with community fundraising at its heart. Through selling Brighton Pride Festival tickets in our charity shops, The Sussex Beacon has been able to fundraise £3,453 from the handling fee that was received from each ticket sold. Such fundraising support is crucial for the charity to offer its important services and continue supporting the lives of people living with HIV."*

The Sussex Beacon provides both inpatient and outpatient services for HIV+ individuals living in Sussex and beyond. This includes the charities 10-bedded Inpatient Unit, as well as weekly Day Service sessions, a Women and Families' Support Group, a Peer Support Project, and additional Wellbeing Groups.



## PRESTON MANOR AND CITY PARKS

Preston Manor received £5,000 to:

- Improve the planting in the two flower beds at the SE and SW corners of the Manor
- Install period-appropriate, bow-top fencing around these flower beds, to protect the new planting and to deter anti-social behaviour taking place under the Manor's veranda;
- Install additional CCTV cameras to key points across the rear elevation of the Manor and under the veranda, to monitor an area known to be vulnerable to anti-social behaviour.



CityParks received £5,000 to improve the Coronation Garden at the north end of Preston Park, one priority being the repair and refurbishment of the shelter on the eastern edge of the garden.

## PETER TACHELL FOUNDATION & KALEIDOSCOPE TRUST

The Pride Solidarity Fund was established in 2018 to support underfunded projects and organisations, many of which have had their funding cut in recent years.

With £5,000 each going to The Peter Tatchell Foundation and Kaleidoscope Trust, the Pride Solidarity Fund is proud to support these independent organisations who dedicate their service to upholding the human rights of LGBTQ+ people in the UK and internationally.

Commenting on the donation, Peter Tatchell, Director of The Peter Tatchell Foundation, which campaigns for LGBT+ and human rights in the UK and worldwide, said:

*"We are delighted and honoured to receive this very generous donation from the Pride Solidarity Fund to aid our work supporting LGBT+ rights in the UK and internationally. As a small, under-funded LGBT+ and human rights charity, this grant means a lot. It will enable us to do even more to challenge homophobia, biphobia and transphobia. Among other causes, this funding will help us support LGBT+ campaigners in Arab countries and LGBT+ Muslims here in the UK."*



The Kaleidoscope Trust work to uphold the human rights of lesbian, gay, bisexual and trans people in countries where they do not have their equal rights and are discriminated against because of their sexual orientation and/or gender identity. Phyll Opoku-Gyimah, Executive Director of The Kaleidoscope Trust said:

*"I want to express huge thanks to Brighton Pride for their donation to Kaleidoscope Trust. This global movement for LGBTQI liberation and human rights needs as many people as possible working towards common goals of freedom, unity and dignity. Your donation helps us to continue do this work and we are so grateful."*



Community groups across Brighton and Hove can put a little bit of pride back into their city thanks to Pride Social Impact Fund grants worth nearly £30,000 this year.

In what has been a record year, nearly 40 groups representing people of all ages from Mile Oak to Moulsecoomb, Saltdean to the city centre will benefit from money awarded by the independent panel.

Grants awarded this year will see parks and open spaces improved; community groups host events and day trips; equipment provided to sports groups; and charities supporting some of the city's most vulnerable given a boost.

Tim Ridgway, chair of the Brighton Pride Social Impact Fund, said: "This year saw a record number of entries with bids from more than 57 applications from across the city requesting more than £44,000 to make their communities a better place.

"With the fund oversubscribed, making decisions on individual bids was not an easy process, but those groups who have been awarded money will ensure that the legacy of Pride is far-reaching, extending to all corners of the city.

"We hope it will help some of the city's amazing community and voluntary groups create a colourful rainbow of happiness and inclusivity all year round."

**AMEX AREA  
NEIGHBOURHOOD FORUM**

£500.00 - Plants for a Rejuvenation Garden

**BEE IN THE WOODS**

£1,000.00 - inter-generational forest school

**BEVFEST**

£1,000.00 - community festival in Bevendean

**BOHEMIA ARTS  
AND MUSIC CIC IN  
CONJUNCTION WITH THE  
VERDICT JAZZ CLUB**

£400.00 - a theatre performance in the annual community festival in Dorset Gardens

**BRIGHTON AND HOVE  
HOUSING COALITION**

£200.00 - support ongoing activities

**BRIGHTON PHOENIX  
FLAMES BASKETBALL  
CLUB**

£976.00 - new equipment and kit for the youth teams

**BRUNSWICK TOWN IN  
BLOOM**

£120.00 - cover entry to South East in Bloom

**CAROUSEL**

£643.00 - music equipment to support regular live music nights

**CASE**

£500.00 - free family-friendly science festival in Hollingdean

**CHOMP**

£1,000.00 - after school sessions offering hot meals to families

**CREW CLUB UNITED**

£1,000.00 - expand the youth football club and buy hoodies for the team

**DORSET MEWS RESIDENTS  
ASSOCIATION**

£1,000.00 - new planter to reduce congestion

**EARLY CHILDHOOD  
PROJECT AT TARNER**

£1,000.00 - buy resources for toy library

**EXTRATIME**

£1,000.00 - family fun day for 200 children with SEND and carers

**FOOD AND FRIENDSHIP**

£1,000.00 - continue bi-weekly cooked lunches for older people

**FRIENDS OF BLAKERS  
PARK**

£600.00 - tree planting

**FRIENDS OF BRUNSWICK  
SQUARE**

£500.00 - community gardening project

**FRIENDS OF PRESTON  
PARK**

£1,000.00 - volunteer gardening in the park and new roses

**FRIENDS OF PRESTON  
PARK**

£1,000.00 - Easter Egg hunt for 200 kids

**FRIENDS OF PRESTON  
PARK**

£2,000.00 - new rose arch in the park

**HANGLETON AND WEST  
BLATCHINGTON FOOD  
BANK**

£1,000.00 - top-up shops, aprons, table cloths and meat vouchers

**LATEST CIC**

£950.00 - lit trees in St James's Street

**MOULSECOOMB AND  
BEVENDAN COMMUNITY  
VOLUNTEERS**

£850.00 - Moulsecoomb Supper Club Project

**NESTOR COURT**

£1,671.00 - repair fence for block of flats for elderly people

**NORFOLK SQUARE GROUP**

£500.00 - community gardening project

**OFF THE FENCE**

£500.00 - general clothing to support rough sleepers

**PATCHAM DUCK FAYRE**

£600.00 - community event

**QUIET DOWN THERE**

£400.00 - creative community artwork project for local multicultural women

**ST PETERS PRESTON PARK**

£180.00 - repair pathway

**ST PETERS PRESTON PARK**

£380.00 - install new water butt (with 100 for plants)

**TARNER COMMUNITY  
PROJECT**

£1,000.00 - cookery club for young people

**THE BLACK AND MINORITY  
ETHNIC YOUNG PEOPLE'S  
PROJECT**

£500.00 - two workshops to mark 15 year anniversary

**THE GREEN CENTRE**

£200.00 - support volunteers at the project

**THE OLD BOAT  
COMMUNITY CENTRE**

£500.00 - purchase a large new fridge to offer further options for people living in food poverty

**THE OLD BOAT  
COMMUNITY CENTRE**

£1,000.00 - set up a community kitchen

**THE OTHER SCREEN**

£550.00 - host film event for deaf / disabled community

**WAVE PROJECT**

£1,000.00 - offer club surf sessions to young people with anxiety

**WINDMILL YOUNG ACTORS**

£924.00 - cover costs of 12 week term of drama club in east Brighton

**YOUNG PEOPLE'S CENTRE**

£470.00 - revamped entrance way to building



# FRIENDS OF PRESTON PARK



The Friends of Preston Park was founded 9 years ago as a not-for-profit voluntary organisation.

We wanted to involve the local community in park issues and celebrate the park by organising events. We are keen that park users, especially young people, know about and treasure the park's special history, architecture, flora and fauna. We liaise with various departments in the council so that we have a two-way communication between park-users and the council. For instance, there are changes being made to a couple of areas of the park and the Friends' group have worked with the council to ensure the changes will enhance the park.

We have 9 committee members and around 500 'Friends'. It's free to join and there are regular communications by email to let people know what's happening in the park. We're currently organising an evening bat walk and Preston Village Open Day. The contribution from Pride's Social Impact Fund made a massive difference to us: by enabling us to hire a large marquee to host our Halloween Lantern Walk again in 2017. An evening, family event that attracts hundreds of local people, we've held it for several years but had to cancel it in 2016 as there was no venue. The fund also paid for 3 elm trees for the park. The gracious old elms are nearing the end of their lives and these new trees will be a wonderful lasting legacy for future generations.

# BRIGHTON & HOVE HOUSING COALITION



Brighton & Hove Housing Coalition was launched on 19 August 2017 in the presence of MPs Caroline Lucas and Lloyd Russell-Moyle. Our motivation

was that housing and homelessness was too important a matter to be left to bureaucrats and that view was shared by the twenty organisations that signed up to our Aims and Objectives that day.

On a day-to-day basis the Executive hold the city council's Housing Committee to account and no housing committee meeting goes by without our

leading deputations or asking questions of that committee.

The funds from the Pride Social Impact Fund have helped us to meet basic costs such as the hire of meeting rooms at the Crypt and for print. We have ambitious plans - for example improving legal training for volunteers to create what we call 'Street Advocates' - people with sufficient knowledge to help the vulnerable when faced with seemingly insurmountable problems of poverty, homelessness and injustice.

# TARNER COMMUNITY PROJECT



Established over 20 years ago, Turner Community Project (TCP) is a charity based

dedicated to running children and young people's services in the Turner area of Brighton in partnership with the local community.

With OFSTED outstanding accreditation, the provision offers a caring, inclusive, service. Healthy living and wellbeing are at the heart of the project with an emphasis on physical and outdoor activities.

The funding we have received supports the activities we undertake with the young people, running a range of different interesting projects and bringing to the session's facilitators with a

broad range of specialisms to share and teach. Last year we were able to support a group of about 20 young people a week, who were not in education, employment or training (NEET). This is a particularly at-risk group and it emerged that there were multiple issues including very low-level basic skills and special needs. The group was a huge success and supported young people aged from 12-24. Many of these individuals have issues with sexual exploitation, substance misuse, sexual health, exclusion from school and family relationship breakdowns.

We are now focussing on providing a diverse offer for young women attending the weekly girls group, especially supporting women around sexual health, personal care, positive healthy relationships and safety.

# BRIGHTON OASIS PROJECT



Brighton Oasis Project (BOP) is a substance misuse service for women and families. We provide a range of recovery-focused treatment services

to support and empower women who have difficulties with drink or drugs to make positive changes in their lives.

Established by women who felt that substance misuse treatment services did not meet their needs, Brighton Oasis Project has been making a difference to vulnerable women and families in Brighton and Hove for the last 20 years. The project has grown to become one of the most

recognised substance misuse services in the South East whilst remaining true to the original vision of addressing inequality in access to treatment.

The Pride Social Impact Fund Grant has enabled us to offer a range of activities for children and young people during the Easter holidays. Groups of children took part in a number of activity days, including a trip to Saddlesome Farm where they had an opportunity to engage in creative, outdoor play, have fun and explore. School holidays can be difficult times for any family, so being able to offer activities like this to families affected by substance misuse has been invaluable. We plan to deliver activities during the Summer holidays too.

Fees & Charges 2020/21

Appendix 6- Outdoor Events

Outdoor Events	Actual 2019 / 2020	Proposed 2020/2021	Increase	Percentage Increase
<b>Hire of Parks &amp; Open Spaces</b>				
<b>Commercial</b>				
Small	£1,110.00	£1,160.00	£50.00	4.60%
Medium	£2,230.00	£2,340.00	£110.00	4.90%
Large	Negotiable	Negotiable		
<b>Charity</b>				
Small	£550.00	£575.00	£25.00	4.50%
Medium	£1,100.00	£1,155.00	£55.00	5.00%
Large	£2,200.00	£2,310.00	£110.00	5.00%
<b>Community</b>				
Small	£130.00	£135.00	£5.00	4.00%
Medium	£275.00	£285.00	£10.00	4.00%
Large	£550.00	£575.00	£25.00	4.50%
<b>Hire Of Maderia Drive (per day including road closure 6am-6pm)</b>				
Commercial	£9,300.00	£9,765.00	£465.00	5.00%
Charity	£2,950.00	£3,095.00	£145.00	4.90%
Enthusiast	£1,900.00	£1,995.00	£95.00	5.00%
Community*	£1,650.00	£1,730.00	£80.00	4.90%
<b>Commercial Promotions</b>				
Per day (weekends)	£1,630.00	£1,710.00	£80.00	4.90%
Per day (weekdays)	£1,350.00	£1,415.00	£65.00	4.80%
<b>Corporate Hire</b>				
Per day From	£500.00	£525.00	£25.00	5.00%
<b>Reinstatement Deposit</b>				
Commercial	£5,000.00	£5,000.00	£0.00	0.00%
Charity/Community	£500.00	£500.00	£0.00	0.00%

\*Community events may be eligible for a full or partial waiver of the hire fee. Refer to the council's Outdoor Events Policy.



<b>Subject:</b>	<b>Saltdean Lido Restoration</b>		
<b>Date of Meeting:</b>	<b>18 June 2020 9 July 2020 – Policy &amp; Resources Committee</b>		
<b>Report of:</b>	<b>Executive Director, Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Ian Shurrock</b>	<b>Tel: 01273 292084</b>
	<b>Email:</b>	<b>ian.shurrock@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Rottingdean Coastal</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The council has sought to achieve the restoration of the council owned Saltdean Lido to enable the long term sustainability of the facility since the surrender from the previous leaseholder in 2011. Saltdean Lido CIC (SLCIC) has made remarkable progress in achieving the restoration of the outside pools, since being appointed by the council as the preferred leaseholder.
- 1.2 SLCIC have received the conditional award of a grant of £4.200m from the National Lottery Heritage Fund (NLHF) previously the Heritage Lottery Fund (HLF) towards the restoration of the main building. To receive the first instalment of the grant and receive partial “permission to start” status for the project from NLHF, SLCIC are required to have a lease of the property (rather than a conditional agreement to lease that was previously required and approved). This report is requesting the TECC Committee to recommend to Policy & Resources Committee that a long term lease to SLCIC is granted for Saltdean Lido.
- 1.3 The granting of the lease would enable SLCIC to draw down initial funding from NHLF to pay all the professional services to complete the design. These professional services would go out to tender and it is the desire is of SLCIC to attract companies from the local area. While this would not guarantee the restoration will take place, it would retain the potential for further significant funding from NHLF (up to a total of £4.2m) and ensures that SLCIC remains fully engaged in the project. SLCIC have already demonstrated, through the approximately £3m raised to restore the outdoor pools, their capacity to secure external funds. SLCIC continue to present the best opportunity for this council asset to be restored without full council finding. Granting of a long term lease would be the next stage to seek that being achieved.
- 1.4 Restoration of such heritage buildings are rarely straightforward and the detailed background below indicate the complexities of this particular project. The support for SLCIC in both the local and wider community in the city remains very strong for the restoration to be achieved. The opening of the outside pools have been well received and well used to show the value of the facility to the community.

## **2. RECOMMENDATIONS:**

### *That the Tourism, Equalities, Communities & Culture Committee:*

- 2.1 recommends to Policy & Resources Committee that it agrees to grant a 63 year lease of Saltdean Lido to SLCIC;
- 2.2 recommends to Policy & Resources Committee that it agrees to accept a revised schedule of loan repayments for the outstanding loan of £0.220m and grants delegated authority to the the Executive Director Economy, Environment & Culture and the Acting Chief Finance Officer to agree the revised schedule;
- 2.3 recommends to Policy & Resources Committee that it grants delegated authority to the Executive Director Economy, Environment & Culture and the Acting Chief Finance Officer to take all necessary steps to implement the recommendations above;
- 2.4 recommends to Policy & Resources Committee that it grants delegated authority to the Executive Director Economy, Environment & Culture to approve the scheme proposed by SLCIC within the parameters outlined in 3.6.

### *That the Policy & Resources Committee:*

- 2.5 agrees to grant a 63 year lease of Saltdean Lido to SLCIC;
- 2.6 agrees to accept a revised schedule of loan repayments for the outstanding loan of £0.220m and grants delegated authority to the the Executive Director Economy, Environment & Culture and the Acting Chief Finance Officer to agree the revised schedule;
- 2.7 grants delegated authority to the Executive Director Economy, Environment & Culture and the Acting Chief Finance Officer to take all necessary steps to implement the recommendations above.
- 2.8 grants delegated authority to the Executive Director Economy, Environment & Culture to approve the scheme proposed by SLCIC within the parameters outlined in 3.6.

## **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Since 2011 a range of reports on Saltdean Lido have been considered by Policy, Resources & Growth Committee as well as service committees. These reports are listed for in “Background Documents” at the end of this report. A summary of the key developments in relation to the Lido over that period are summarised below. At the end of the summary in paragraph 3.23 is an overview of the current funding position. The necessity for a lease to be signed at this time to enable progress on the project to continue, even though the project is not yet fully

funded, is outlined in 3.24 to 3.27. A project that is progressing with strong support of the NLHF has a much greater likelihood of attracting more external funders to achieve the finance required for the project.

#### Surrender of previous lease

- 3.2 The long-term 125 year lease of the Saltdean Lido site was surrendered by Saltdean Lido Limited (head lessee) on 6th June 2012 following a period of negotiation with the council.
- 3.3 The surrender was the culmination of negotiations with the leaseholder following the council serving a notice under the lease regarding aspects of disrepair on 12th May 2010. The lessee served a counter notice which meant no further action could be taken without resorting to court.
- 3.4 The building had been put on the Building at Risk register on 19th October 2011. This register is used by English Heritage as part of its Heritage at Risk programme which was established “to identify historic assets that are at risk of being lost through neglect, decay or development or are vulnerable of becoming so”.
- 3.5 A Special Policy & Resources Committee on 30th May 2012 authorised the surrender of the previous lease of Saltdean Lido by Saltdean Lido Limited. This followed concerns about the standard of service that was being provided and the level of maintenance being undertaken on the main Lido building.

#### Appointment of SLCIC as preferred bidder for Saltdean Lido

- 3.6 In March 2013 the council marketed the Saltdean Lido site by inviting expressions of interest. Those interested parties were provided with further information and invited to submit an Initial Bid which was evaluated on their ability to meet the following list of key outcomes:
  - A well-used, accessible, year-round community and leisure facility
  - A building and surrounding grounds that are renovated in a manner that would be likely to receive Listed Building Consent and, if required, planning permission
  - Improved swimming pool provision
  - Financially sustainable for the term of the lease including meeting all maintenance requirements and statutory obligations
  - Improved library facilities
  - No ongoing BHCC subsidy
  - An environmentally sustainable facility

- 3.7 The SLCIC were appointed preferred bidder by Policy & Resources Committee on 5th December 2013, which enabled negotiations to commence with the council on the terms of the lease.
- 3.8 SLCIC then worked hard to obtain the funding for Phase 1 of the project (outdoor pools) and develop Phase 2 (restore the main Lido building) to generate income for the long term sustainability of the site as a whole. Significant progress was made resulting in a further report to Policy, Resources & Growth Committee in February 2017.

#### Policy, Resources & Growth Committee February 2017

- 3.9 At the Policy, Resources & Growth Committee in February 2017 the following recommendations were approved:

- Entry into the Conditional Agreement for Lease with SLCIC.
- Entry into the 60 year lease for the Lido when the conditions are satisfied in accordance with the Conditional Agreement for Lease.
- Grant funding of up to £0.700m for temporary library provision and a new library in the restored Saltdean Lido and agree to include this commitment in the capital programme 2018/19.
- The investment of up to £0.700m would be funded through borrowing with the financing costs estimated to be £0.040m per annum, and agree to this commitment being included in the Budget from 2018/19.

#### Policy, & Resources Committee February 2019

- 3.10 At the Policy & Resources Committee February 2019 the following was approved:

- The committee agreed the request from Saltdean Lido CIC and underwrites the shortfall in funding of £1.600m towards the restoration of Saltdean Lido to secure the NLHF grant of £4.200m;
- If Saltdean Lido CIC fails to identify alternative sources of funding that the council will provide funding of up to £1.600m pursuant to a funding agreement;
- If the council provides the funding of up to £1.600m it shall fund the contribution by borrowing and be included in the capital investment programme;
- Noted the Saltdean Lido CIC have an outstanding loan of £0.220m and agreed to reschedule the loan repayments;



- Delegated authority to the Executive Director Economy, Environment & Culture to agree the terms of the funding agreement and take all necessary steps to implement the recommendations above.

### Project Summary

#### 3.11 SLCIC have summarised the full restoration project as:

“To restore Saltdean Lido, the only grade II\* listed coastal lido in the country: SLCIC will sympathetically restore the building whilst creating a commercially viable leisure destination. The Lido will become a community resource and tourist attraction with a heated pool and poolside café, children’s pool and wet play area, multi-use function and event space, community space and a library, all incorporating features which interpret and celebrate the heritage of the building. The Lido will be managed by the SLCIC to ensure that the heritage remains protected and accessible to local people. Saltdean Lido will become a national tourist destination, its iconic design social history will be celebrated and visitors will have access to high quality facilities. New employment, volunteering opportunities, and apprenticeships will be created. Our robust Business Plan will ensure a sustainable future for the site and will act as a catalyst for economic growth.”

The restoration is being undertaken in phases:

#### Phase 1 Works – which enabled the pools to open in 2017

- 3.12 SLCIC made successful bids to the Coastal Communities Fund for £2.290m and Social Investment Business Fund for £0.440m to enable Phase 1 to be undertaken. This funding contributed towards the restoration of the outdoor pool, reinstate the children’s pool, provide a new plant room for the circulation and heating of the pool water, landscaping around the pool and changing rooms (Phase 1). A significant proportion of the S106 funding from the Ocean Hotel development (£0.170m) was also used in the funding of these improvements. SLCIC requested a short term loan from the council of £0.030m towards the Phase 1 works which was repaid.
- 3.13 A 5 year lease has been granted to the SLCIC for the external area. This lease would cease upon the granting of the long term lease for the whole site for the full restoration. The re-opening of the pools in the summer of 2017 was well received with Fusion Lifestyle operating the pools on behalf of SLCIC.
- 3.14 The opening weekend was extremely popular and received national publicity. Over 35,000 attendances have been achieved for each of the seasons the pool has been open. Although the pool has been successful in terms of usage, the operation runs at a loss and is highly unlikely to be sustainable without income generating activities from a renovated main building.

## Revision of Stage 2 Funding Application to the HLF

3.15 SLCIC were successful in being awarded a Stage 1 grant from the NLHF of £0.576m to fund the development of a detailed Stage 2 funding application for a grant of £4.200m. A loan of £0.220 million from the council to SLCIC was approved at Policy, Resources & Growth Committee in November 2017. This was required to fund the revision of a considerable number of individual documents for an updated Stage 2 bid to the NLHF within categories including:

- Development Appraisal and Conservation Deficit
- Project and Construction Management Structure
- Activity Statement
- Project Expenditure Cash Flow
- Cost Forecast Breakdown including Cost Plan and Risk Profile
- Design and Services
- Management and Maintenance Plan
- Conservation Plan
- Business Plan
- Letters of Support
- Briefs for Delivery Works, Job Descriptions
- Partnership Agreements
- Delivery and Project Programmes
- Interpretation Plan
- Fundraising Strategy

3.16 A key element of the revision was a new method that has been developed in relation to concrete refurbishment. The use of sea dredged aggregate in the original construction and the harsh sea environment has led to a twofold attack on the integrity of the concrete structure which is now in very poor condition. Consultants working on behalf of the SLCIC in conjunction with Heritage England have revised the method to restore the main building which meets Heritage and Listed Building regulations. SLCIC indicated that this new method has greater certainty of cost with a saving of over £1.000m of refurbishment costs from the original proposal.

3.17 Also fundamental to the revised application is the Business Plan to achieve the long term sustainability of the whole Lido complex. The restoration of the main building would create income generating opportunities to assist with the ongoing maintenance and operation of the main building, while also subsidising the operation of the outside pools. The income generating areas proposed for the main building include:

- Catering (SLCIC achieved £0.120m from crowdfunding towards the café)
- Functions and events (including weddings)
- Community hires
- Start-up businesses

3.18 SLCIC engaged a range of professional expertise to develop the bid to the NLHF including:

- Conran & Partners - Architects
- Northgate - Quantity Surveyors
- Chris Wood - Lead Consultant for Historic England on heritage conservation
- Delta Green- Building Services Engineering and Sustainability
- Carpenter Box - Accountants
- Hemsley Orrell - Structural Engineers
- Tricolour – Procurement
- SIKA – Restoration Building Materials

3.19 In July 2018 SLCIC were notified by the NLHF that their Stage 2 application had been successful for £4.200m and a conditional grant offer was made by the NLHF.

#### Phase 2 Works – Restoration of the main Lido building

3.20 The total cost for this second phase is estimated to be £7.968m (including a new library with £0.700m of funding already committed by the council) and SLCIC submitted the capital funding proposal below to the NLHF) which secured a conditional grant of £4.200m.

3.21 A priority of the Phase 2 works is to make the original “1937” part of the building structurally sound (the harsh marine environment and use of sea dredged aggregate in the original construction, means the building is currently in very poor condition). This would include completion of remediation work to the wings and central rotunda (the unique art deco façade that is visible when looking from the A259).

3.22 These works would complete the restoration of the main building to provide a multi-use function and event space together with community space. In addition, the proposal includes providing an extension to the restored Lido building which would house a new library. Planning permission and listed building consent has been granted for the works.

### 3.23 Saltdean Lido Restoration Project Funding (current estimates)

#### **Funds already secured by SLCIC**

Historic England £0.199m

Crowdfunding Appeal £0.120m

Numerous donations including: Garfield Weston Foundation Swire Charitable Trust, Pilgrim Trust, Michael Bishop Foundation, John Coates Charitable Trust, Rampion, Architectural Heritage Fund

£0.408m

BHCC Library funding £0.700m

**Total £1.427m**

#### **Conditional funds secured by SLCIC**

NHLF Grant (conditional on match funding being achieved)

£4.200m

#### **Secured/Conditional Funding in place**

Total Funding in Place **£5.627m**

**Estimated Project Cost £7.968m (Based on inflation and reassessment of work required)**

**Estimated Project Shortfall £2.341m (not including council agreed deficit funding)**

**If the council agreed deficit funding of £1.6m is assumed to be required, the Estimated Project Shortfall is £741k.**

#### **Long Term Lease to SLCIC**

- 3.24 The 63 year lease to The Lido Complex (Saltdean) Community Interest Company is now in an agreed form for completion. At the same time there will be a leaseback to the Library and a short lease to Saltdean Community Association and The White Rooms. A 63 year lease is now proposed rather than the original 60 years to allow for 2-3 years of design and build prior to operation. In 2017, Policy, Resources & Growth Committee gave approval for an Agreement for Lease which required SLCIC to meet various conditions before the lease was entered into. Those conditions were as listed below with the current position indicated in italics in brackets:

- Planning Condition (*planning permission has been achieved*).
- Listed Building Condition (*listed building consent has been achieved*).
- Leisure Services Condition (*relevant only to the outdoor pools which has been met by the appointment of a specialist leisure management operator*).
- Funding Condition (*a key reason for this report is to request for the lease to be granted to unlock further funding towards achieving a fully funded project*)
- Vacant Possession condition (*a more flexible approach is now being taken with the proposed restoration work of the main building in stages, consequently tenancies would only be terminated as required in the restoration programme*).
- Licence Condition (*this is now an obligation under the lease as it cannot be considered at this stage*).
- Building Contract Condition (*this is now an obligation under the lease as it cannot be fulfilled until the proposed design is finalised and delegated authority is being requested to give approval*).

3.25 NLHF insists on certain standard terms of grant relating to the leases of land and buildings. One condition is that the tenant must be able to sell on the lease, but they must ask NLHF for their permission to do so. However, the council have insisted on the ability to refuse consent to the sale if the proposed assignee is unable to demonstrate the experience required to operate the pool, or is a CIC working with an experienced operator. NLHF agreed to this requirement when they understood the history of the site.

3.26 A further standard condition is that NLHF do not accept leases with termination clauses. Therefore the council cannot terminate the lease unless there are grounds for forfeiture.

3.27 In mid-2019 SLCIC reassessed the project and submitted a new proposal to the NLHF based on a new costing and approach (design and build to a tendered price to achieve cost certainty), SLCIC wanted to commence the project as soon as possible as costs were continuing to increase and it was 'now or never' for their project to save the Lido. NLHF were receptive and in agreement, and have confirmed that subject to SLCIC taking on the lease, they will provide SLCIC with a 'partial' permission to start. This means NLHF will support funding of all the professional services up to the point of starting the work on site. At that point SLCIC will need to demonstrate that they have the matched funding in place, or an indication it will be achieved, to release the rest of the award.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Not granting a lease at this stage to SLCIC would prevent the drawdown of initial funding from the 4.2m conditional grant from NLHF and in all likelihood end the restoration project by SLCIC of Saltdean Lido.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 SLCIC has a significant membership base and engages regularly with the local community through events and other activities. There has been on-going consultation with the NHLFCase Officer for Saltdean Lido.

#### **6. CONCLUSION**

- 6.1 The granting of the lease would enable SLCIC to draw down initial funding from NHLF to pay all the professional services to complete the design and tender the project. This is required to make progress on the project, attract further external funding and give the project the potential to be achieved.
- 6.2 If SLCIC are unable to achieve the restoration of the main Lido building, in all likelihood the premises would remain with the council as the freeholder and the liabilities that would bring. A Grade 2\* listed property which is on the “at risk” register would remain with the council and no prospect of the restoration being achieved unless all of the substantial funding required could be identified.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 The granting of the lease will allow SLCIC to commence drawdown of the funding agreed from NLHF. The revised cost estimates for the project is £7.968m with a current funding shortfall of £2.341m, of which the council has underwritten £1.6m, leaving a fundraising target of a further £0.741m if the council funding is fully drawn down.
- 7.2 The council provided a loan of £0.220m at risk, to support the SLCIC in the stage 2 bid resubmission which was successful in gaining the £4.2m NLHF grant. This loan was originally due to commence repayment once the NLHF conditions were met and as the timing has changed the loan repayment schedule needs to change. The impact on the council’s cashflow of this change is immaterial.
- 7.3 The council’s capital programme includes both the £0.700m for the replacement library, and the £1.6m funding of underwriting support for the project. These capital costs are funded from borrowing and the financing costs of the borrowing is included in the budget agreed at Budget Council in February 2020.
- 7.4 The increased costs and fundraising target represent a risk to the project however the track record of the SLCIC demonstrates they are well placed to

achieve this. The business plan for the facilities post restoration supports maintaining the building and pools including building up a sinking fund to ensure continued financial sustainability. This plan would not support ongoing debt finance without putting this sustainability at risk and therefore successful fundraising is essential.

*Finance Officer Consulted: James Hengeveld*

*Date: 25/05/20*

#### Legal Implications:

- 7.5 The council's legal team has drafted a funding agreement and a lease which have been agreed with SLCIC (subject to approval from Policy & Resources Committee). The funding agreement deals with the grant of the funding for the library and the terms on which the Council will underwrite the £1.6m. It requires SLCIC to use best endeavours to raise the £1.6m and requires it to produce a fundraising plan and report to the council on progress against that plan.
- 7.6 Decisions to dispose of land must be taken by the Policy & Resources Committee. It previously made the decision to grant the loan so it is also appropriate that it considers whether the loan repayments can be rescheduled.
- 7.7 The council is under an obligation to obtain the best consideration reasonably available when disposing of land (S123 Local Government Act 1972). The proposal is to lease the site for a peppercorn rent. This is considered to be best consideration given the income realised by the pool operation and the condition of the buildings.

*Lawyer Consulted:*

*Alice Rowland*

*Date: 28/5/20*

#### Equalities Implications:

- 7.8 The council seeks to provide a range of opportunities for residents to participate in sport and community activities across the city and the Lido is recognised as an important part of community leisure provision.

#### Sustainability Implications:

- 7.9 A restored Lido would include a number of improvements to the environmental sustainability of the building. As well as the concrete restoration that is fundamental to the long term sustainability of the building, other proposed improvements include enhanced insulation, energy efficient plant, air source heat pumps, photo-voltaic cells, and heat exchange between the main building and the pool

#### Brexit Implications:

- 7.10 None identified.

Any Other Significant Implications:

Public Health Implications:

- 7.11 The provision of improved sport and leisure opportunities will benefit the health and well-being of the local community and other visitors.

Covid-19 Implications

- 7.12 The long term impact of the pandemic on the construction industry is currently not known, but the council will continue to work closely with SLCIC to understand the impact as the project develops.

**SUPPORTING DOCUMENTATION**

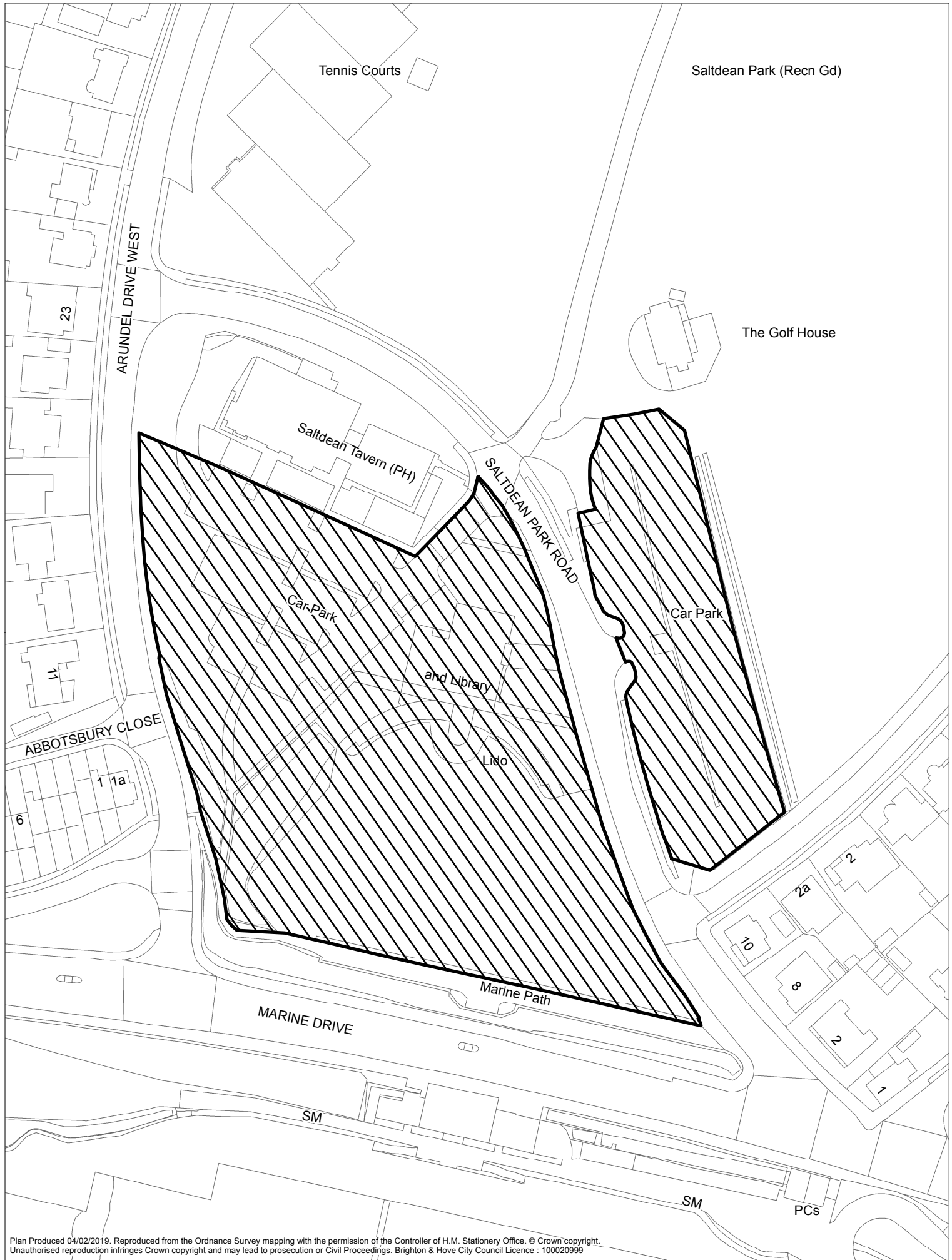
**Appendices:**

1. Site plan – area of proposed long term lease with SLCIC

**Background Documents**

1. Reports to the Culture, Recreation and Tourism Cabinet Member meeting on 6th December 2011 and 6th March 2012.
2. Reports to the Policy & Resources Committee on 30th May 2012, 24th January 2013, 5th December 2013, 9th February 2017, 30th November 2017 and 14<sup>th</sup> February 2019.
3. Reports to the Economic Development & Culture Committee on 20th September 2012 and 19th September 2013





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### Saltdean Lido

Scale 1:1,250





<b>Subject:</b>	<b>Queen's Park Conservation Area Proposed Article 4 Direction</b>		
<b>Date of Meeting:</b>	<b>18 June 2020</b>		
<b>Report of:</b>	<b>Executive Director, Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jody Blake</b>	<b>Tel: 01273 292261</b>
	<b>Email:</b>	<a href="mailto:Jody.Blake@brighton-hove.gov.uk">Jody.Blake@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>Queen's Park ward</b>		

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The report seeks approval to make a non-immediate Article 4 Direction for the Queen's Park conservation area together with the required statutory consultation. Careful consideration will be given to the timing of the consultation in light of the current COVID-19 situation.
- 1.2 The report summarises the response to informal public consultation on the proposed Article 4 Direction to remove certain householder permitted development rights, under Parts 1, 2 and 11 of Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to front elevations of single dwelling houses within the Queen's Park conservation area.

### **2. RECOMMENDATIONS:**

- 2.1 That the Committee authorises the making of a non-immediate Article 4 Direction to the Queen's Park conservation area to remove the permitted development rights listed in Appendix 2, to come into effect in twelve (12) months from this date, subject to statutory consultation.
- 2.2 That the Committee notes the representations (listed in Appendix 1) made during the informal consultation period.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Queen's Park Conservation Area is centred on the public open space of Queen's Park, which is a grade II registered park/garden. The conservation area was designated in 1977 and covers an area of 18.56 hectares.
- 3.2 The Queen's Park Conservation Area Character Statement was approved at the September 2018 meeting of the Tourism, Development & Culture Committee (TDC). The Character Statement identified the cumulative loss of architectural

details on the front of single dwelling houses as being detrimental to the character and appearance of the conservation area. As a result, a recommendation was made in the Character Statement to prepare an Article 4 Direction under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to halt these harmful changes where they affect the street frontages of houses.

- 3.3 The Queen's Park conservation area is included in Historic England's 'Heritage at Risk' register. This is due to the gradual loss of historic architectural features and materials under permitted development rights, which has been harmful to the special character of the area.
- 3.4 An Article 4 Direction will result in certain types of development requiring express planning permission, allowing the authority to retain some control over design and detailing, which may otherwise be harmful to the character and appearance of the conservation area.
- 3.5 Informal consultation was carried out, with residents, on a proposed Article 4 Direction in February and March of this year. The response has helped to shape the Direction and more details are set out in section 5 below and appendix 2.
- 3.6 Permitted development rights relating to the front elevation of dwellinghouses proposed to be removed include:
- Painting of front elevations;
  - Removal of render from a front elevation;
  - Change of roofing material;
  - Installing or enlarging rooflights;
  - Replacing or altering windows or doors;
  - Demolishing or altering or erecting a front boundary wall, fence, railing or gate;
  - Providing or replacing a hard surface within the front garden;
  - The installation, alteration or removal of a chimney, flue or soil and vent pipe;
  - The removal of traditional tiled paths and entrance thresholds; and
  - Erecting a porch to a front elevation.
- 3.7 These additional controls are particularly important for those conservation areas that have large numbers of single dwellings that are not listed buildings. Around half of the city's 33 conservation areas currently have an Article 4 Direction of this type in place.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 65% of 75 respondents to the informal consultation either agreed or strongly agreed that an Article 4 Direction would help to preserve the character and appearance of the Queen's Park conservation area. Therefore, there is overall support for the making of an Article 4 Direction in the Queen's Park conservation area.
- 4.2 There is an option for the Queen's Park conservation area to remain without an Article 4 Direction restricting householder permitted development rights. This

would be contrary to the recommendation of the approved Queen's Park Conservation Area Character Statement, agreed by this committee, and would result in the continued presence of the conservation area on the Historic England's 'at risk' register.

- 4.3 There is an option to make an immediate Article 4 Direction for the Queen's Park conservation area, which would come into effect immediately, but it would only remain in force for six months unless confirmed by the council following statutory consultation. However, under current Covid-19 restrictions it may not be possible to meet the legal requirements for consultation and confirmation within six months. This option could also lead to applications for compensation under s.108 of the Town and Country Planning Act 1990 (as amended).

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Informal consultation was undertaken in February and March 2020 over a six-week period. The consultation was targeted at residents within the Queen's Park conservation area who would be directly affected by an Article 4 Direction. A total of 75 responses were received via the Consultation Portal. The respondents were asked whether they would support the removal of permitted development rights for certain types of development to the front elevations of single dwelling houses within the conservation area

- 5.2 40% of the respondents were located within the conservation area, 18.7% were located within the immediate setting of the conservation area (within 50m of the boundary) and 41.3% outside of the conservation area. 65% of respondents either agreed or strongly agreed that Article 4 Directions would help to preserve the character and appearance of the Queen's Park conservation area, whilst 9% neither agreed or disagreed and only 26% disagreed or strongly disagreed.

- 5.3 A summary of responses received and how these have been addressed is included at Appendix 1. As indicated above, the comments received were generally supportive. The majority of those commenting were in agreement that permitted development rights should be subject to some control. A list of the permitted development rights to be removed under the proposed Article 4 Direction is included in Appendix 2.

- 5.4 Only 33% of respondents supported the removal of permitted development rights to change the colour of front elevations of buildings, including boundary walls and railings. A number of comments were received regarding having to apply for planning permission to change the colour of a building. As colour plays an important role in setting the character and appearance of a conservation area, it is proposed to prepare an approved colour scheme (similar to Brunswick Town, Avenues, Cliftonville and Pembroke and Princes conservation area) that allows for a range of approved colours, which if adhered to, would not necessitate a planning application. This part of the controls would also prevent the painting of unpainted brickwork, which was supported by 40% of respondents, and would further prevent the painting of murals.

- 5.5 UPVC is a non-renewable resource and current technology cannot match the fine detailing of historic timber windows, especially Queen Anne style multi-paned windows which are common throughout the Queen’s Park conservation area. Therefore, the use of double-glazing within timber frames will be supported for historic (non-listed) buildings within the conservation area. Draught-proofing and secondary glazing offer alternative ways of reducing heat loss without involving high costs or needing planning permission. As the main source of heat loss through windows is via the glass, low-e glass could be specified for replacement glass. Further information regarding energy efficiency improvements to historic buildings can be found in Council’s Planning Advice Note 9. The council’s policy can be reviewed in the future if technology improves sufficiently.
- 5.6 A further report will be brought to this Committee following the statutory consultation, with any proposed modifications, before the Direction is confirmed.

## **6. CONCLUSION**

- 6.1 An Article 4 Direction within the Queen’s Park conservation area will help to minimise the cumulative loss of architectural details on the front of single dwelling houses which are detrimental to the character and appearance of the conservation area.
- 6.2 The introduction of an Article 4 Direction to control certain permitted development rights would remove the main threat to the area that has led to its inclusion on Historic England’s ‘at risk’ register and has been generally supported in public engagement. Further statutory consultation with local residents would be carried out before the Direction is made.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 There are no direct financial implications associated with the introduction of an Article 4 Direction. It is assumed that the indirect associated costs (for example, consultation) will be contained within existing budgets.

*Finance Officer Consulted: Jess Laing*

*Date: 15/05/20*

### Legal Implications:

- 7.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 grants planning permission for certain types of development. A planning application would not therefore be required for such development unless the permitted development right had been removed.

Permitted development rights may be removed by way of an Article 4 Direction. This is a reference to Article 4 of the 2015 Order whereby a local planning authority (“LPA”) may make a direction if it is satisfied that it is expedient that development that would otherwise be permitted development should not be carried out unless permission is granted on an application. Once made, the direction must be advertised by the LPA and representations invited. Any

representations made within the relevant time period must be taken into account by the LPA in considering whether to confirm the direction. A copy of the direction must be sent to the Secretary of State who may cancel or modify it at any time before or after its confirmation.

Where a LPA makes an Article 4 direction the authority may be liable to pay compensation if it then refuses planning permission for development which would otherwise have been permitted development or grants planning permission subject to more limiting conditions than prescribed by the 2015 Order. However, s108 of the Town and Country Planning Act 1990 and the Town and Country Planning (Compensation) (England) Regulations 2015 provide that where permitted development rights for certain types of development, including Part 1 rights, are withdrawn no compensation is payable provided at least 12 months' notice of withdrawal is given.

*Lawyer Consulted:*

*Hilary Woodward*

*Date: 20/5/20*

#### Equalities Implications:

- 7.3 An Equalities Impact Assessment (EQIA) of the Conservation Service was undertaken in 2010 and covers work on conservation area designation and review.

Any physical alterations to make an entrance to a house more accessible would require planning permission. However, greater accessibility is seen as a public benefit that would likely overcome any minor harm to the conservation area. Planning applications for alterations to an existing dwellinghouse for providing means of access to or within it for a disabled person who is resident in it or proposing to take up residence, or for facilities designed to secure that person's greater safety, health and comfort, are exempt from planning application fees.

#### Sustainability Implications:

- 7.4 In acknowledgement to the consultation responses and the Council's commitment to become carbon neutral by 2030, no permitted development rights are proposed to be removed pertaining to energy efficient measures such as solar panels. Further information regarding energy efficiency improvements to historic buildings can be found in Council's Planning Advice Note 9.

#### Any Other Significant Implications:

- 7.5 None identified

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. List of permitted development rights to be removed under Article 4 Direction.
2. Summary of informal consultation responses

### **Background Documents**

1. Queen's Park Conservation Area Character Statement 2018



## APPENDIX 2 –

Permitted development rights to be removed under the proposed Article 4 Direction of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

### **Schedule 2 Part 1 Development within the curtilage of a dwellinghouse**

Class A – Enlargement, improvement or other alteration of a dwellinghouse  
*The enlargement, improvement or other alteration of a dwellinghouse*

Class C – Other alterations to the roof of a dwellinghouse  
*Any other alteration to the roof of a dwellinghouse*

Class D – Porches  
*The erection or construction of a porch outside any external door of a dwellinghouse*

Class F – Hard surfaces incidental to the enjoyment of a dwellinghouse  
*Development consisting of –*  
a) *The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or*  
b) *The replacement in whole or part of such a surface*

Class G – Chimneys, flues etc on a dwellinghouse  
*The installation, alteration or replacement of a chimney, flue or soil and vent pipe to a dwellinghouse*

### **Schedule 2 Part 2 Minor operations**

Class A – Gates, fences and walls etc  
*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure*

Class C – Exterior painting  
*The painting of the exterior of any building or work*

### Proposed colour scheme for existing painted front elevations

Planning Consent will be needed to change the colour, or to paint an unpainted façade, unless the following colours are used. The same colour from the below seven colours or white must be used on both halves of a semi-detached property. Textured paints are not acceptable. Window frames, bargeboards and timber balconies and porches must be painted white. Iron balconies and railings must be painted black.

The following colours of smooth matt masonry paint are acceptable for repainting:  
BS 4800 numbers:

- 08 B 15 Magnolia
- 08 B 17 Honey beige / Fawn / Sandstone
- 08 C 31 Honeysuckle cream / Blush stone
- 10 B 15 Creamy white / Ivory / Gardenia
- 10 B 17 Oatmeal / Greystone / Hopsack

- 10 C 31 Ivory / Champagne / Buttermilk
- 10 C 33 Vanilla / Pollen

### **Schedule 2 Part 11 Heritage and demolition**

Class C – Demolition of gates, walls, fences etc.

*Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.*

## **Appendix 1 – Informal Consultation Response and Analysis**

### **Analysis of Representations**

Total Number of Responses	75
Q. Do you agree that the proposed Article 4 Direction will help preserve the distinctive character and appearance of the Queen’s Park conservation area?	
Number of Representations that Strongly Agree	31 (41%)
Number of Representations that Agree	18 (24%)
Number of Representations that neither Agree or Disagree	7 (9%)
Number of Representations that Disagree	8 (11%)
Number of Representations that Strongly Disagree	11 (15%)
Q. Which, if any, of the following works to the front of buildings should require planning permission within the Queen’s Park conservation area?	
None	18 (24%)
The change of colour to all front elevations of buildings, including eaves, guttering, downpipes, exterior woodwork, windows, doors, railings, as well as changing the colour of existing rendered surfaces and existing boundary walls/railings.	25 (33%)
The removal of render from existing front elevations facing the street/road.	27 (36%)
The painting of existing brick elevations facing the street/road	30 (40%)
The change of roofing materials	24 (32%)
Installing or enlarging rooflights to any roof slope visible from the street or road	27 (36%)
Installing, altering or replacing solar panels or solar thermal equipment on roof slope visible from the street or road	21 (29%)
Replacing or altering windows and doors visible from the street or road	38 (51%)
Changing existing wooden or metal balcony railings to a different material or pattern	33 (44%)
Erecting a front porch to the front of a building	41 (54%)
Demolishing or altering or erecting a front boundary wall, fence, gate or railings or changing wall finishes	44 (58%)
Providing or replacing a hard surface within the front garden of a house	29 (36%)
Removing traditional tiled surfaces to paths, steps and entrance thresholds	36 (48%)
Installing satellite dishes to the front of buildings	48 (64%)
The installation, alteration, removal or replacement of a chimney, flue or soil and vent pipe on the front of a dwelling house	25 (33%)
Other, please give details	5 (7%)

**Summary of Comments**

Please use this space to provide comments on why you have taken this view on the proposed Article 4 Direction

1	Painting images of Greta on house walls	Noted
2	Comprehensive Article 4 Directions are a powerful tool for preserving and enhancing the character of a Conservation Area. Works affecting chimneys, flues and soil and vent pipes should include waste pipes and gas pipes. External lighting, intruder alarms and CCTV on the front of buildings should also require planning permission.	External lights, intruder alarms and CCTV on the front elevations on dwellinghouses have not been identified as having a deleterious impact on the local amenity.
3	I have no objection in principle to planning controls on certain kinds of work, but I ticked no items on the list above - even those which seem justified to me - because I do not wish to be counted as 'in favour of tighter controls'. I believe that broader criteria of good architecture - including building performance - should be applied, rather than requiring that the conservation area should look Victorian in every detail. It is still the case that the planning function stresses aesthetics and largely ignores building performance and environmental impact. Traditionally, building performance has been a matter for Building Control. In a time of climate emergency, this situation has to change. Planners have heard this many times before, many are individually exasperated by it, and in Brighton and Hove I believe there have been modest efforts to make planning guidelines 'greener'. But bolder action is needed. There is massive support for the Green Party and Extinction Rebellion in this area. Queens Park could be a showcase for creative ways of preserving a historic district while aiming for a zero-carbon future. At the very least, no resident or owner should be prevented from installing solar panels or external wall insulation just because the property is in a Conservation Area. Climate change is not something that only happens on the other side of Egremont Gate.	<p>The installation, alteration or replacement of solar panels will not be controlled by the proposed Article 4 Direction due to lack of support from the consultation.</p> <p>Council has a Planning Advice Note on Householder guidance on energy efficiency for historic buildings in conservation areas. The document aims to clarify how energy efficiency improvements can be made in a sensitive and effective way.</p>
4	Queen's Park itself is in poor condition for a key community asset and within a conservation area. Consideration should be given to 'minimum standards' to be upheld for prevention of drug use in the park etc. I do not agree that new windows should be timber, however would endorse a change to UPVC sash effect windows - giving the correct look and feel but without the maintenance issues. Finally, the main issue with the area is the high level of HMO's. These need to be phased out, as well as having minimum standards of external appearance. 216 Queen's Park Road (externally) is a disgrace.	<p>HMO's within the city have been addressed in the recently adopted Citywide Article 4 Direction for HMOs. The citywide HMO Article 4 Direction will come into effect on 3<sup>rd</sup> June 2020.</p> <p>216 Queen's Park Road is located outside of the Queen's Park conservation area.</p>

5	I think that while removing wooden sash windows is undesirable for appearances sake we have to be realistic. Sash windows in uPVC look pretty much the same unless you look very closely and are a practical and reasonably cost effective alternative.	UPVC is a non-renewable resource and current technology cannot match the fine detailing of historic timber windows, especially Queen Anne style multi-paned windows which are common throughout the Queen's Park conservation area.
6	I am interested in the overall aesthetics and appearance. HMO's on my road do the area a disservice on this issue.	HMO's within the city have been addressed in the recently adopted Citywide Article 4 Direction for HMOs. The citywide HMO Article 4 Direction will come into effect on 3 <sup>rd</sup> June 2020.
7	The thought of having to ask permission concerning colour of the house fronts is just ridiculous. If visuals like that are under consideration why are the unsightly, and in summer, smelly, black and green bins allowed to remain on the front pavements in this conservation area?!	A suitable colour scheme will accompany the Article 4 Direction providing a number of colour options for the painting of front elevations. This will be similar to other Article 4 Direction painting schemes covering conservation areas in the city.
8	It is absurd, in a situation where even the existence of humanity is at risk from global warming, for the Council to do anything whatsoever that might make insulating houses, or improving their energy efficiency harder or more expensive.  Things change, get used to it.  Mike	Council has a Planning Advice Note on Householder guidance on energy efficiency for historic buildings in conservation areas. The document aims to clarify how energy efficiency improvements can be made in a sensitive and effective way.
9	I live on Freshfield Road, just outside of the conservation area. I can see how damaging to the environment the works currently being carried out on local houses (for instance on my road - the Cuthbert pub for one particularly dreadful example) can be to the ambience of an area and would hate to see the small conservation area within Queens Park going further this way. I was an owner occupier on Queens Park Terrace until a few years ago and recognise the blight of some houses having plastic windows and cheap doors.  Architectural signifiers such as railings, gates, front gardens and lamp posts, though expensive to replace	Works proposed to trees within conservation areas with a diameter exceeding 75mm when measured at 1.5m from ground level require 6 weeks notification to Council prior to the works being carried out.

	like for like, should be kept as symbols of our once beautiful Victorian city. As should trees and windows, doors and roof slates.	
10	<p>Particularly in relation to solar panels and any other climate friendly amendments, the council has a responsibility to make it as easy as possible for residents to make positive change.</p> <p>More broadly, I think that this is an active, lively area where changes to houses are generally of necessity and those listed are unlikely to damage the look and feel of the area as a whole. The eclecticism of the area is part of its charm.</p> <p>The decorative panels on the front of some of the redbrick houses should be preserved but I don't think there's a need for anything more than this.</p>	Council has a Planning Advice Note on Householder guidance on energy efficiency for historic buildings in conservation areas. The document aims to clarify how energy efficiency improvements can be made in a sensitive and effective way.
11	Incremental changes may not seem to impact on their own but the impact of several over time do have an adverse effect	Noted
12	To help halt the loss of original frontages (gates etc) to the Edwardian and other houses around the park and to encourage the authentic restoration of original lost features .	Noted
13	Article 4 is incredibly restrictive, there is already planning permission required for many aspects of developing a house within the conservation area. The beauty of the area is unaffected by the colour or style of somebodys guttering or front door style, by the fact that it is tree lined, near the park etc, and has a view of the sea and sunset. Installing conservation style fittings, eg, replacement wooden sash windows etc comes at a huge cost that many cannot afford despite the postcode! A premium council tax is already in place in this area, are tenants to be penalised further when it comes to wanting to protect our home further by fitting affordable, robust style fittings. The front of these houses take a battering from the sea direction and being so high up, any wooden detailing is rotten despite any maintenance attempts. Article 4 would make it expensive, difficult and a long protracted process to make changes, when the street behind can do anything they want! Very unfair.	<p>Development proposed to require planning permission under the Article 4 Direction is currently allowed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)</p> <p>Council has a Planning Advice Note on Householder guidance on energy efficiency for historic buildings in conservation areas. The document aims to clarify how energy efficiency improvements can be made in a sensitive and effective way.</p>
14	The area's appeal is due to a certain 'look' - another appeal of a seaside town is the idea of somewhere being durable. Keeping a similar aesthetic aids this. Also ostentatious displays of wealth only serve to divide an area that already has an 'us & them' undercurrent.	Noted
15	We live on Queen's Park Terrace and love our house and those along the road. Why should we have to pay to apply for planning permission to make improvements to the front of our house such as rotten windows or changing the colour of the gutters?	On 17 <sup>th</sup> January 2018, the Central government revoked the exemption of planning fees for planning applications required under

	<p>We are already restricted as to what we can/cannot do to our house so why extend this further?</p> <p>I strongly object to imposing more red tape which would result in delays, extra cost and unfairness to residents in the area wanting to improve and maintain our properties.</p>	<p>an Article 4 Direction.</p> <p>Planning fees are set by the Central government and are standardised across England.</p> <p>An Article 4 Direction does not necessarily mean that an application will be refused. It allows the Council some control over design and detailing.</p>
16	<p>We live in a modern world that is changing all the time. If we try to preserve everything as it was, then like the dinosaurs we will become extinct.</p> <p>Our cultural diversity introduces us to new ideas all the time and why should we stick with what suited the Victorians? From a purely practical point of view, planning rules and applying for permission are unclear, unhelpful and unwieldy and trying to comply, almost inevitably heaps an enormous extra cost onto the job, which may well make it untenable . . . then what are we conserving?</p>	Noted
17	<p>A conservation area is meaningless if this range of alterations can be made to properties. The look of an area is the sum of the look of the buildings.</p>	Noted
18	<p>I think it's important to preserve architectural features while balancing the need for modernisation and necessary change.</p>	Noted
19	<p>Because it will become impossible for the average householder to carry out simple works to their house when an Article 4 direction is in place. I completely agree when it's a homogenous terrace which has remained unchanged for years such as Palmeira Square or the like, but this is totally unnecessary in this conservation area - the restrictions of that are enough.</p> <p>Queens Park Conservation area has had so many changes and alterations made such that certain parts are no longer homogenous and an Article 4 direction will not make any difference to what has already been done. Let things develop and grow and change - what about all the black and white painted cobbled houses in town - they were once called Blue and buffs - due to the colour of the materials - now they are black and white - they have evolved over time and no one is clammering to change them back to how the originally were - why is this Amy different?</p> <p>I wholeheartedly disagree with an Article 4 direction. It is too prescriptive, restrictive and very costly for home owners (having to make applications to the LA) simply wanting to make simple changes and in some cases maintenance or security measures.</p>	<p>As existing, there are very few additional planning restrictions on properties within conservation areas:</p> <ul style="list-style-type: none"> <li>• Demolish a building with a volume of 115 cubic metres or more.</li> <li>• To demolish any gate, fence, wall or other means of enclosure with: <ul style="list-style-type: none"> <li>○ a height of one metre or more if next to a highway (including a public footpath or bridleway), waterway or open space; or</li> <li>○ a height of two metres or more elsewhere</li> </ul> </li> </ul> <p>An Article 4 Direction does not necessarily mean that an application will be refused. It allows the Council some</p>

		control over design and detailing.
20	<p>Article 4 is not necessary in this area, there is already a conservation order in place which places enough restrictions on building and alteration work to homes that people want to make. This is following reasons why I am against this:</p> <ul style="list-style-type: none"> <li>- It is extra cost to apply for planning permission ( but financial gain for the council).</li> <li>- It is is a long time consuming process.</li> <li>- If somebody is refused, they have to appeal, if they lose they cannot make improvements to their own home that they own.</li> <li>- It is a stressful process.</li> <li>- How does the colour of peoples brickwork and style of their gates affect the beauty of living in an area like Queens Park.</li> <li>- Article 4 is an archaic and draconian infringement on homeowners right to do as they wish to their house that they have bought themselves.</li> <li>- Why should a minority flag up issues that THEY have with peoples homes when it is nothing to do with them.</li> </ul>	<p>As discussed above, there are very few additional planning restrictions on properties within conservation areas</p> <p>The proposal to implement Article 4 Directions within the Queen's Park conservation area was a recommendation of the Queen's Park Conservation Area Character Appraisal adopted by Council in September 2018 and was prepared with the assistance of a community steering group.</p>
21	<p>Original features should be kept or refurbished if possible but as a resident I understand the considerable cost this incurs. We have not been able to replace metal windows back to original timber sash because of cost. This means higher maintenance and loss of heat as metal windows are prone to high levels of condensation. I do not consider painting of brick exterior front facing as desirable for the area and it would be hard to then remove.</p> <p>It would be nice if the traditional lamp posts removed from Folkstone street many years back had been refurbished and returned but I appreciate the council replacing with timber windows in council owned houses. Although these need to now be maintained as looking shabby.</p> <p>The introduction of wheelie bins to the road has had the most detrimental impact to the look of the road. Far worse than uPVC windows and modern doors.</p> <p>There is no off pavement space for them and the street is now cluttered with them especially at the queen's park end of the road. This is of no fault of the residents living there. It is a shame as the council did originally say we would not require them due to it being a conservation road.</p>	Noted
22	<p>Planning permission is important to preserve the character of the houses facing Queens Park as a conservation area.</p>	Noted
23	<p>Whilst I respect that some of the area has certain period features which would be nice to keep, Tower Road should not be included in this as the majority of the houses were built in the 1970/80s. This had led to</p>	<p>The boundaries of the conservation area were reviewed as part of the process of creating the</p>



	<p>unnecessary confusion and potential cost. The area definition should be clarified.</p> <p>Many of the above are improvements reflecting modern life and energy efficiency should be the main driver not the sensitivity of a passerby.</p>	<p>Queen's Park Conservation Area Character Statement in 2018. The assessment was as follows:</p> <p><i>There is a variation of architectural periods including the late Edwardian and inter-war period, the 1960s and 1970s. Although there is a degree of cohesion with the staggered 1960s dwellings, they are considered to be of neutral value.</i></p>
24	<p>To preserve the look of our Victorian buildings and to control the amount of lighting filtering out and disturbing sleep patterns. Unsightly satellite dishes are also a hazard in high winds.</p>	<p>Noted</p>
25	<p>I love walking around the Queens Park conservation area, and adore the architecture in the surrounding area. Brighton has lost a lot of its character over the last century and although I respect the owners' prerogative to make changes to their own property, I think the overall feel of the area should stay as close to the original condition as possible. I think the consultation with residents is more important than with people like me, but I feel a great childhood attachment to this ward, and would love to live there myself one day!</p>	<p>Noted</p>
26	<p>As a resident of East Drive, I think we should act now to preserve the look of our lovely Housing stock. The Area has suffered a lot in the past with lots of front gardens lost for drives and inappropriate Windows being installed. There are lots of people in the summer who enjoy looking at the Houses around the park, I am also concerned about the Tennis Club on East Drive Planning to install 10 x 25ft hi steel flood lights! that would be clearly Visible, This dystopian plan for Galvanized steel posts with Flood lights would dominate the sky line when entering the park down North Drive and around, and would make a mockery of these Article 4 plans, also their plans have to be commented on by 21st Feb so probably trying to get them through before Article 4 plans could stop them.</p>	<p>Noted</p> <p>The planning application for lighting to the Queen's Park Tennis Club is being assessed by the Development Management team.</p>
27	<p>Comprehensive Article 4 Directions are a powerful tool for preserving and enhancing the character of a Conservation Area.</p> <p>Works affecting chimneys, flues and soil and vent pipes should include waste pipes and gas pipes.</p> <p>External lighting, intruder alarms and CCTV on the front of buildings should also require planning</p>	<p>External lights, intruder alarms and CCTV on the front elevations on dwellinghouses have not been identified as having a deleterious impact on the local amenity.</p>

	permission.	
28	The council have allowed some horrendous developments over the last 35 years, maybe they can do something to look after the existing character	Noted
29	Satellite dishes are an ugly addition to the front of a house specially when they go rusty	Noted
30	<p>I have no objection in principle to planning controls on certain kinds of work, but I ticked no items on the list above - even those which seem justified to me - because I do not wish to be counted as 'in favour of tighter controls'.</p> <p>I believe that broader criteria of good architecture - including building performance - should be applied, rather than requiring that the conservation area should look Victorian in every detail.</p> <p>It is still the case that the planning function stresses aesthetics and largely ignores building performance and environmental impact. Traditionally, building performance has been a matter for Building Control. In a time of climate emergency, this situation has to change.</p> <p>Planners have heard this many times before, many are individually exasperated by it, and in Brighton and Hove I believe there have been modest efforts to make planning guidelines 'greener'.</p> <p>But bolder action is needed. There is massive support for the Green Party and Extinction Rebellion in this area. Queens Park could be a showcase for creative ways of preserving a historic district while aiming for a zero-carbon future.</p> <p>At the very least, no resident or owner should be prevented from installing solar panels or external wall insulation just because the property is in a Conservation Area. Climate change is not something that only happens on the other side of Egremont Gate.</p>	Council has a Planning Advice Note on Householder guidance on energy efficiency for historic buildings in conservation areas. The document aims to clarify how energy efficiency improvements can be made in a sensitive and effective way.
31	When graffiti and anti-social behavior occurs within Queen's Park itself, it gives an idea as to what the area could result in if the aesthetics are not properly controlled. I live on Queen's Park road (close to the park itself), and wish to see it maintain the character and charm it has as the rest of Brighton develops into a more modern city. Maintaining the historic character is advantageous for residents, renters, and tourists.	Noted
32	So much of Brighton and Hove character is being lost. We cannot afford to lose any more. If people want to live in a modern property, they should buy a modern property, not ruin a heritage one.	Noted
33	Queen's Park itself is in poor condition for a key community asset and within a conservation area. Consideration should be given to 'minimum standards' to be upheld for prevention of drug use in the park etc. I do not agree that new windows should be timber, however would endorse a change to UPVC	UPVC is a non-renewable resource and current technology cannot match the fine detailing of historic timber windows, especially Queen Anne style multi-

	<p>sash effect windows - giving the correct look and feel but without the maintenance issues. Finally, the main issue with the area is the high level of HMO's. These need to be phased out, as well as having minimum standards of external appearance. 216 Queen's Park Road (externally) is a disgrace.</p>	<p>paned windows which are common throughout the Queen's Park conservation area.</p> <p>HMO's within the city have been addressed in the recently adopted Citywide Article 4 Direction for HMOs. The citywide HMO Article 4 Direction will come into effect on 3<sup>rd</sup> June 2020.</p> <p>216 Queen's Park Road is not within the Queen's Park conservation area.</p>
34	<p>I agree that the conservation area in this part of the city should be preserved and maintained for the benefit of local residents. Tighter controls are required. I disagree that satellite dishes should be on the front of building as they are unsightly. They should be high up on the roof.</p>	<p>Noted</p>
35	<p>I think that while removing wooden sash windows is undesirable for appearances sake we have to be realistic. Sash windows in uPVC look pretty much the same unless you look very closely and are a practical and reasonably cost effective alternative</p>	<p>UPVC is a non-renewable resource and current technology cannot match the fine detailing of historic timber windows, especially Queen Anne style multi-paned windows which are common throughout the Queen's Park conservation area.</p>
36	<p>Any improvements/alterations which are more sympathetic to the original build materials should be encouraged e.g. the replacement of concrete roof tiles back to the original roof tiles</p>	<p>Noted</p>
37	<p>So much of Brighton's architectural heritage has been lost / mismanaged. This needs to stop before this part of Brighton is lost forever. It should be managed sympathetically not a fine revenue generating scheme for the benefit of the council. Features should be replaced / put back not just accept a fine as settlement if the desecration.</p>	<p>Noted</p>
38	<p>Queen's Park is a distinct residential district from neighbouring Hanover, Kemp Town, etc. It's a worthy ambition to retain this distinctness/uniqueness which adds to the vibrancy of the city as a whole. The urban environment and its aesthetic is worth maintaining: it aids wellbeing and has other benefits. I am particularly keen that front gardens are not paved over: these green oases provide much needed havens for wildlife and are seemingly disappearing.</p>	<p>Noted</p>
39	<p>You have already restricted what I can do with my property while all around the boundary houses have</p>	<p>The boundaries of the conservation area were</p>

	<p>loft conversion with large dorms. If you own a home in the conservation area you cannot have but it ok for us to see everyone else's, so all the restrictions but non of the benefits.</p> <p>A small part of a St Lukes in a conservation area while the rest is not, how does that work? Is the other half some how invisible.</p> <p>I have noticed that a the larger expensive house around the park seem to do what they want to the properties and now most of them have done is it time to put in restrictions.</p> <p>Then there is the cost of having repairs which are already expensive made even more expensive where is all this money going to come from? And the additional cost for planning applications will we get them for free?</p> <p>Is the council going to provide residents with grant to help pay the additional cost as you say the whole of Brighton will benefit from these restriction to our properties.</p> <p>You also want to stop satellite dishes so another restriction I'm going to be restricted on what I can watch as well.</p> <p>I just find the whole thing a waste of time and an extra burned to home ownership in the area. Where the residents in the area pay the cost for everyone else's benefit.</p> <p>NO!</p>	<p>reviewed as part of the process of creating the Queen's Park Conservation Area Character Statement in 2018.This document can be found on Council's website.</p> <p>The proposed Article 4 Direction will apply to all dwellinghouses within the boundary of the Queen's Park conservation area.</p>
40	<p>Because the distinctive architecture of the large houses around the park, the painted wood, red brick, tiled roofs, garden walls, garden walls,railings, stained glass, give the Conservation Area its character and charm. These elements are repeated in some surrounding streets, especially Queens Park Terrace, and the streets around St Luke's School, and are just as important</p> <p>There are enough exceptions- the tall houses in Queens Park Road, St Luke's School, the swimming pool, the Pepper Pot, the Gazebo and remaining walls and railings of Attree Villa, the Spa Nursery, Queens Park Villa, the park itself and the arches, to ensure that the conservation area is distinctive in its "bowl" setting.</p> <p>In order to maintain this character and charm it is also important to ensure the survival and where necessary replacement of street lights, railings and other incidental elements.</p>	Noted
41	I live in a 1970's terrace. These houses are pretty ugly	The boundaries of the

	<p>from the front compared to the surrounding area. I don't see why our houses or the flats in Atree Court etc should be subject to the article 4 direction as there is nothing of value to protect. All this will do is make our flats and houses look increasingly more dated and ugly as time goes by or inflict very high costs on the owners to require planning permission to make small changes.</p> <p>I agree with preserving the pepperpot, the park, the park gates etc - but the houses are all so different and interesting already - which is part of the character - why would we want to hold a load of 60s-70s builds in the past?</p> <p>I think the article 4 direction should be specifically clear as to which houses are covered and which are not.</p> <p>In particular, the changes made to the 70's houses towards the park end of Tower Road has made this street more interesting and more beautiful to look at. I fear that putting an article 4 direction on all the houses on this street will stop us and our neighbours from being able to make similar improvements to the area. Our houses will become the 'run-down' looking end of the street.</p>	<p>conservation area were reviewed as part of the process of creating the Queen's Park Conservation Area Character Statement in 2018.</p> <p>The proposed Article 4 Direction will apply to all dwellinghouses within the boundary of the Queen's Park conservation area. A map will accompany the Article 4 Direction.</p>
42	<p>Many of the properties around Queens Park and in the local area have been changed in the twenty years that we have been living in our house. This proposal is closing the stable door after the horse has bolted. If there is a desire to return the area to its previous appearance this proposal should be retrospective. This proposal will increase the cost of maintenance and improvement of the housing stock in the area. Money would be better spent on improving the lighting in the Park to make the area feel safer in the hours of darkness. This would also reduce the number of drug deals which appear to go on and are obvious to those of us who live around the Park.</p> <p>The children's play area in Queen's Park is in desperate need of new and safer equipment and some basic maintenance.</p>	Noted
43	<p>I think that all original features should be kept. Taking away the front walls to make parking spaces would be detrimental to the appearance of this area.</p>	Noted
44	<p>The removal of original features or replacing them with a modern alternative esp upvc windows removes the character, street continuity, and diminishes that which makes QP different to other areas of Brighton it all becomes homogenised. There are so many special architectural features and details to buildings which is so lovely to see and appreciate and should be preserved for future generations to appreciate and</p>	Noted

	enjoy	
45	I think that so many alteration have already taken place that this is potentially too late. However, the points that I have ticked above I do feel would help maintain the future of the area. I do feel we need to be realistic that we live in modern times and need to look at more efficient ways of creating energy etc hence why I feel that solar panels should not be included.	The installation, alteration or replacement of solar panels will not be controlled by the proposed Article 4 Direction due to lack of support from the consultation.
46	<p>1. I live on St Luke's Road and only part of the road is in a conservation area and therefore the fact that a few houses are included has always been wrong. I have no idea why my property is in a conservation area, given it's distance from the Park or indeed why other properties on the same street are not and equally why properties the same distance from my house on Queen's Park Road, are not in the same conservation area. If this is due to the school then all the properties opposite the school should be in a conservation area but of course they are not. This demonstrates real irrational and arbitrary decision making at some point by the Council. I would argue that St Luke's Road needs to drop out of the Conservation area.</p> <p>2. In the main people are sensible and sensitive in terms of making changes to their properties and therefore there is no reason now, in particular, on St Luke's Road ( or the area in general ) to bring in an Article 4.</p> <p>3. There is no reason given that St Luke's Road is far away from the Park for part of the Road to be in a conservation area and definitely no reason for an Article 4 to be imposed.</p> <p>4. Families live on St Luke's Road and you are simply making it impossible to live in this area for the every day working family, yet whilst round Queen's Park (properties that should actually be in the conservation area and remain so), can merrily do what they want, knock walls down, build big loft extensions, re-pave to make space for cars - it's a total injustice and irrational decision making by the Council/Planning Dept. Money (and a big house) seems to buy you power in Brighton . I have flagged this to the council for one particular property and was told that although their planning permission was rejected (they made the change anyway) but it was permitted i.e. to knock front wall down and to pave over front of house to make a drive.</p> <p>5. Preventing houses from having a satellite is essentially anti-competitive practice on the basis that only alternative is to have cable i.e. virgin so you are</p>	<p>The boundaries of the conservation area were reviewed as part of the process of creating the Queen's Park Conservation Area Character Statement in 2018.</p> <p>The proposed Article 4 Direction will only apply to elevations facing a street or road, not to the rear of a dwellinghouse (unless it faces a street or road).</p>

	<p>forcing properties to have to enter into contracts with a specific service provider - this cannot be right and I would challenge any decision on this with the completion commission.</p> <p>6. You need to understand that these houses need maintenance and many suffer from damp and therefore preventing owners from fixing issues with their properties or only being able to do so at a much greater cost (unless you are proposing to offer grants to residents covered by Article 4?) whether it's windows (double glazing reduces heat loss), rendering repairs damaged brick work and seals the property to prevent damp, boundary walls etc. is completely unreasonable given that you are considering this only now i.e. had you done this say 20 years ago then maybe but not now it's utterly pointless. Brighton is a bloody mess and trying to put lipstick on a pig is pointless. i.e. you have two wheelie bins outside every house on most streets clogging up the pavements, rubbish that is left uncollected and all over the street, broken pavements, potholes in roads and you think that an Article 4 is going to somehow preserve Brighton?!</p>	
47	because the area is being ruined by ad hoc & nasty alterations. the worst is garish house colours. Too much change being made to the fronts & i think everything that impacts on the view from the front should be subject to regulations	Noted
48	It is important to keep the character/conservation of the area	Noted
49	I believe it is important to preserve the integrity of our architecture - too much of our local heritage/architecture has already been destroyed in the Kemp Town/Queens Park area	Noted
4	<p>As an owner occupier of a house in Queens Park, I am very aware of the character of the area. However, there needs to be a balance between planning restrictions and allowing owners to carry out works to their property. Controlling the colour of street elevations comes down to a subjective decision, and who, therefore is to say what is right and what is wrong. Is there any evidence of the original colour houses in a Victorian/Edwardian terrace were painted? Did the original designers have any objection to houses being painted different colours? I am not suggesting that all streets should look like Blaker Street, and there is no real evidence of this having happened in any other streets, so I feel that this is a restriction too far. There is such a mix of roof coverings already, that further restriction would not make any real difference, there would still be a mix and no real uniformity so I feel that this is too restrictive. Rooflights on the front slope - to</p>	<p>A suitable colour scheme will accompany the Article 4 Direction providing a number of colour options for the painting of front elevations. This will be similar to other Article 4 Direction painting schemes covering conservation areas in the city.</p> <p>The installation, alteration or replacement of solar panels will not be controlled by the proposed Article 4 Direction due to lack of support from the consultation.</p> <p>Council has a Planning</p>

	<p>impose a restriction on this would be to prevent owners carrying out internal alterations/conversions in the roofspace which simply require a rooflight rather than a full blown dormer. This is often done to provide additional space within a property for families which are growing and may not be able to afford to move to a larger property. A simple conversion in the roofspace can often be the solution and to add even more planning restrictions to this would seem punitive. A simple flat unobtrusive rooflight is not harmful and in fact could be considered part of the organic growth of our City as families need to expand. This has been carried out in a number of properties along terraces in the area, and therefore any further rooflights in other houses would not be an issue - it might actually make the roof slopes more uniform! To restrict the installation and/or replacement of PV panels would be contrary to the Council's desire to reduce carbon emissions from homes, as this is one reasonably simple way of achieving savings when faced with an old house which does not lend itself to other less cost-effective means of reducing carbon emissions such as very expensive double-glazed timber sashes - as cheaper UPVC alternatives would not be allowed (which I agree with). I do not see the issue with replacing or providing a hard surface within the curtilage of a house - particularly the replacement. If this is required as it is in a poor state of repair, by restricting the replacement, it may be that owners just leave these untouched and therefore impact on the area by being in a poor state of repair. Please note that in the PDF issued with this consultation you mention "The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure". Surely restrictions shouldn't be placed on the maintenance of a gate, wall or fence? this is not reflected in the questions above, so there is an anomaly between the consultation document, and the list of elements above. I do support the principle of restrictions in Conservation Areas in order to protect their character, but there needs to be a balance between the need to look after, maintain and perhaps improve your property and restrictions which make this an impossibility and costly for owners.</p>	<p>Advice Note on Householder guidance on energy efficiency for historic buildings in conservation areas. The document aims to clarify how energy efficiency improvements can be made in a sensitive and effective way.</p> <p>UPVC is a non-renewable resource and current technology cannot match the fine detailing of historic timber windows, especially Queen Anne style multi-paned windows which are common throughout the Queen's Park conservation area.</p>
51	<p>This is very much a case of shutting the stable door. Many of the properties have already had at least one of the list above developments done on their properties. Most hard standing was put in following the council's decision to impose parking controls in the area. If I want to change the wooden fence at the front of the property who is going to decide what is acceptable? Replacement of windows and doors can be very expensive so who is going to decide what is</p>	Noted



	acceptable. The same arguments apply to most of these proposals. It seems like a bureaucratic hurdle is being erected to prevent householders from making relatively minor changes to their properties.	
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<b>Subject:</b>	<b>Update of the Developer Contributions Technical Guidance, setting the CIL Instalment Policy and amending the validation review date for CIL.</b>		
<b>Date of Meeting:</b>	<b>18 June 2020</b>		
<b>Report of:</b>	<b>Executive Director, Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Simon Barrett &amp; Isabel Elder</b>	<b>Tel: 01273 293437</b>
	<b>Email:</b>	<a href="mailto:isabel.elder@brighton-hove.gov.uk">isabel.elder@brighton-hove.gov.uk</a> <a href="mailto:simon.barrett@brighton-hove.gov.uk">simon.barrett@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The report seeks approval for the revised Developer Contributions Technical Guidance and the proposed Community Infrastructure Levy (CIL) Instalment Payment Policy. Both are required to be in place prior to the proposed CIL start date of 5 October.
- 1.2 The report seeks a further amendment to the local validation requirement initially approved by this committee on 16 January.
- 1.3 The report goes on to provide updates on the position with other CIL matters including the Infrastructure Delivery Plan and governance.

### **2. RECOMMENDATIONS:**

- 2.1 That the Committee approves the revised Developer Contributions Technical Guidance attached as Appendix 1, subject to any minor alterations (grammatical and spelling) to be agreed by the Head of Planning in consultation of the Chair of TECC Committee.
- 2.2 That the Committee approves the proposed Community Infrastructure Levy Instalment Payment Policy, attached as Appendix 2.
- 2.3 That the Committee agrees the amendment of the planning application local validation criteria to require a completed CIL Additional Information Form 1 as part of the validation process from 6<sup>th</sup> July 2020 for all applications for full planning permission, including householder applications, for reserved matters following an outline planning permission, and for applications for lawful development certificates.

- 2.4 That the Committee agrees the validation requirement set out in paragraph 2.3 will lapse if Full Council does not, on 23rd July 2020, approve the commencement of CIL.

### 3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 At its meeting on 7 May 2020, this Committee formally agreed Brighton and Hove’s Community Infrastructure Levy (CIL) Charging Schedule to be referred onto Full Council for adoption (23 July meeting). As part of the administration of CIL it is necessary to update the Developer Contributions Technical Guidance, adopted in 2017, to incorporate the changes that CIL makes to the S106 regime. The document will take effect from 5 October with the implementation start date of CIL (subject to the agreement of Council).
- 3.2 Instalment policies allow councils to set a local policy for managing CIL payments in stages. The introduction of an Instalment Policy is discretionary but has been implemented in different forms by our comparator unitary and neighbouring district authorities (who are levying CIL). In response to the recent Covid19 pandemic the government has also issued a recommendation that local authorities implement an Instalment Policy pending them making legislative changes through Parliament.

#### Developer Contributions Technical Guidance

- 3.3 In preparation for the potential introduction of CIL in Brighton and Hove, on 5 October 2020, it is necessary to update this guidance to reflect how CIL and S106 will work together. S106 payments will be significantly scaled back on the introduction of CIL as, from this point, S106 contributions will be limited to site specific measures and all off site infrastructure requirements will be funded from CIL.
- 3.4 The table below sets out the changes proposed to s106 in the revised document:

Obligation Formula	Action	Reason
Affordable Housing & offsite/commuted sums	Retained	Affordable housing can only be provided for by a S106. This will either be on site or by commuted sums. The formula remains the same
Local Employment and Training	Retained	This obligation provides direct training onsite and remains within a S106 as it is for site specific measures. The formula remains the same.
Sustainable Transport and Travel	Removed	The formula contained off site requirements which will now fall within CIL e.g. sustainable transport initiatives. Site specific requirements will still be secured but will be costed individually based on specific needs, therefore no formula is required.
Open Space	Removed	The formula included off site measures and these will now fall under CIL.
Education	Removed	The formula secured funding for education

		contributions, unless there is a specific site policy for a school to be provided on the development site, this type of spend will now be secured from CIL
Public Realm	Removed	The formula included off site measures and these will now fall under CIL

- 3.5 The revised guidance will only have specific formulas for Affordable Housing and for the Local Employment Training Scheme. All other on-site requirements identified in the planning process will need to be costed by the relevant service on a case by case basis reflecting the actual need from the development and its anticipated cost. The proposed Technical Guidance is in Appendix 1.
- 3.6 The formula for calculating commuted sums for affordable housing needs to be updated, however, given the current economic situation, it is considered that this should be undertaken when there is more knowledge about the impact of Covid19 on the housing market. Any work undertaken at present may be inaccurate and harm the economic recovery.
- 3.7 Officers will monitor the house price situation and return to a future committee in 2021 with an update to this formula when more data is available.

The September 2019 CIL Regulations amendment included an option for councils to introduce a charge for monitoring S106 agreements. The revised technical guidance includes a new section on proposed monitoring and management fees. It also includes reference to how indexation will be applied using relevant indexes for construction-based costs (e.g. new housing) and cost of living indexation for revenue-based items (e.g. the Local Employment Scheme).

### **Instalment Policy**

- 3.8 The CIL Regulations 2010 (as amended) state that a CIL payment is due within 60 days of commencement of works on site unless there is a locally agreed Instalment Policy.
- 3.9 In May 2020 the Ministry for Housing, Communities and Local Government (MHCLG) issued guidance stating it would be prudent for local authorities to adopt a CIL Instalment Policy to assist developers with their cash flow in the current economic situation. MHCLG are proposing to further amend the CIL regulations regarding payment penalties and interest. This will specifically benefit those small and medium sized developments, that have already commenced on site, as it will allow payments to be deferred and late payment interest not to be charged. These changes will need to be approved in Parliament, but councils will be able to use their discretion to apply this approach in the meantime.
- 3.10 In terms of an instalment policy, there is no national guidance or regulations and the approach in neighbouring authorities and unitaries is varied. The proposed policy has taken into consideration other authorities instalment policies and the issues they and developers have faced since March 2020. There is a summary of the key parts of the policy below (see full Instalment Policy in Appendix 2)

- The policy has three bands: under £50k; £50k to £250k and over £250k;
- The under £50k band will assist the cash flow of the smaller developer by allowing a 90-day payment window;
- Payments under £250k will be in two instalments, over 180 days (approx. 6 months);
- Payments over £250k will be in three instalments and over 270 days (approx. 9 months).

A comparison of some of the key parts of the policy against the approach adopted by neighbouring Sussex councils and other unitary authorities has been prepared and is include as Appendix 3.

- 3.11 The proposed instalment policy aims to balance the need for CIL income to pay for infrastructure and when developers will be able to pay. The proposed policy specifically takes into consideration the cash flow challenges of small developers who are likely to be the regular contributors to CIL.

Under the regulations, the policy can be amended at any time and does not require stakeholder or industry consultation, though once approved it must be placed on the Councils website. It is proposed that the policy is reviewed in 2022 to allow an evaluation of the impact on developments in the current challenging financial climate.

### **Local Validation Requirement**

- 3.12 On 16 January 2020, this committee agreed the amendment of the planning application local validation criteria to require a completed CIL Additional Information Form 1 as part of the validation process from 2nd March 2020 for all applications for full planning permission, including householder applications, for reserved matters following an outline planning permission, and for applications for lawful development certificates. It further agreed that the approval would lapse if Full Council did not approve the commencement of CIL on 14 May 2020.
- 3.13 Due to the Covid19 pandemic the approval of the commencement of CIL was only approved at this committee on 7 May with the amended recommendation for Full Council to adopt the CIL at its 23 July meeting. To reflect this change in approval timescales it is necessary to amend the recommendation of the 16 January report to insert a revised end point of 23 July Full Council meeting whereby the approval for the submission of CIL Form 1 will lapse if the CIL Charging Schedule is not approved at that meeting

### **Other Matters**

- 3.14 On 12 September 2019, TECC Committee agreed that further work on the governance options for spending CIL receipts would be brought to a future meeting of this committee. This was to allow a suitable sum of CIL receipts to accumulate and to allow for consultation across the council on spending priorities. It is now intended to bring a report back to TECC committee on governance in spring/summer 2021.

- 3.15 In order to make informed decisions on the priority and level of financial support provided to infrastructure projects, the council also needs to review and refresh its Infrastructure Delivery Plan (IDP) 2017. This sets out the levels of investment, funding sources and priorities of the council over several financial years. A report updating this document will also be brought to TECC committee in the spring/summer 2021.

Councils have the discretion to choose whether they wish to introduce a Payment in Kind policy for the payment of CIL. This is an alternative payment method in the form of either land or buildings. The CIL Regulations (as amended) allow a council as the Charging Authority to introduce such a policy which details the alternatives that it would accept instead of a financial payment. This will be considered once the IDP has been prepared, which will identify if any suitable opportunities may arise.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The existing technical guidance needs to be updated in order to be transparent as to how CIL and S106 will work together. The alternative not to revise the document would result in lack of clarity for developers, officers and councillors.
- 4.2 If the Council does not introduce an Instalment Policy, all CIL payments will be required within 60 days of commencement of works on site. This could lead to challenges for developers of small and medium sized developments to bring schemes forward. The proposed policy allows more flexibility for these payments and will support new development.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The Council is updating the technical guidance in line with the CIL regulations so all parties have a clear understanding of how CIL and S106 relate. Service directorates have been consulted throughout the CIL Charging Schedule setting process about the change in the way funds are secured and the requisite changes to the Technical Guidance. As having an Instalment Policy is currently discretionary, there is no requirement in the CIL regulations to consult on its provisions.

#### **6. CONCLUSION**

- 6.1 This report sets out the changes required to the developer contributions technical guidance; recommends a balanced initial approach to the Instalment Policy; and amendments to validation requirements to correspond with the deferral of the CIL start date. The instalment policy can be revised at any time as circumstance and pending national legislation may require.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 CIL receipts will be an important source of income for funding infrastructure in the city, and consideration will need to be given to ensure that the use of receipts is compatible with the aims and objectives of the council as well as being compliant

with CIL Regulations. Governance options for the spending of CIL receipts are to be considered at a later date.

- 7.2 The current forecast value of receipts the council may receive from the implementation of the CIL is estimated at around £2 million per annum over the plan period to 2030, however this is dependent on the type and size of developments and therefore the annual amounts received are likely to vary significantly from year to year. Income from Section 106 contributions are likely to reduce as these are scaled back to reflect the CIL charging arrangements, however, it is anticipated that this reduction will be at least offset by CIL infrastructure income.
- 7.3 The September 2019 CIL Regulations amendment allows charging authorities to use up to 5% of CIL receipts on expenses in connection with the initial set-up and ongoing operation of the CIL scheme. Staff costs associated with administration of the scheme, reported in September 2019 at £0.158m, have up to now been met from existing revenue budgets within the City Development and Regeneration Division. It is anticipated that this administration fee will be sufficient to fund these ongoing costs in accordance with CIL Regulations.
- 7.4 The CIL Regulations 2010 (as amended) currently state that a CIL payment is due within 60 days of commencement of works on site unless there is a locally agreed Instalment Policy. In May 2020 the MHCLG issued guidance stating it would be prudent for local authorities to adopt a CIL Instalment Policy to assist developers with their cash flow in the current economic situation (Covid-19 Pandemic). Whilst this will delay the receipt of CIL income to the Council, this is not considered to be sufficiently detrimental to cashflow to reject the proposal. Furthermore, all CIL income will still be received before the Council would incur any expenditure on agreed infrastructure projects. Similar policy proposals are in place in many other councils in Sussex which specifically take into consideration the cash flow challenges of small developers, who are likely to be the regular contributors to CIL, and therefore likely to support new development.

*Finance Officer Consulted: Jill Fisher, Head of Finance      Date: 08/06/20*

Legal Implications:

- 7.5 The statutory tests allowing local planning authorities to seek developer financial contributions and other planning obligations are set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Such obligations may only be sought if they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. In addition to these statutory requirements, the National Planning Practice Guidance advises that the role of planning obligations is where site-specific impact mitigation is necessary, as referred to in paragraph 3.3 above. Hence the need to revise the Developer Contributions Technical Guidance as recommended.
- 7.6 So far as payment of CIL contributions by instalments is concerned, Regulation 69B of the 2010 CIL Regulations provides that where a charging authority wishes



to allow persons liable to pay CIL to do so by instalments an instalment policy must be published on its website and made available for inspection at the authority's principal office and at such other places within its area that it considers appropriate.

- 7.7 The draft Instalment Payment Policy attached as Appendix 2 contains the information required by Regulation 69B.

*Lawyer Consulted:*                      *Name Hilary Woodward*                      *Date: 29/5/20*

Equalities Implications:

- 7.8 An Equalities Impact and Outcome Assessment (EIA) has been prepared alongside the CIL Draft Charging Schedule and is available on the councils' website. The EIA was updated at the submission stage of the process. Income raised from CIL will go towards funding infrastructure necessary to support new development and communities

Sustainability Implications:

- 7.9 CIL and S106 receipts will help to fund infrastructure necessary to support new development and sustainable communities and should therefore have a positive impact in terms of sustainability outcomes. A Strategic Environmental Impact (SEA) screening option for this CIL concluded that a SEA is not required.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Technical Guidance
2. Draft Instalment Policy
3. Analysis of Neighbouring Councils' Instalment Policies

### **Background Documents**

1. None.



# DRAFT

**Revised Developer Contributions Technical Guidance**

**Planning Policy CP7 Infrastructure and Developer Contributions**

**Overview and detailed guidance on the main types of contributions**

DRAFT



**Brighton & Hove**

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7. CIL & S106 Management, Monitoring Costs and Indexation

## **Introduction**

This document updates the 2017 Developer Contributions Technical Guidance in light of Brighton & Hove City Council's decision to introduce a Community Infrastructure Levy (CIL) scheduled to commence 5 October 2020. All planning applications determined after this date that require the use of planning obligations should be determined in accordance with this guidance.

It provides updated guidance on developer contributions; how each will be applied and how the different types of contribution relate to one another. This guidance looks specifically at the application of CIL, Section 106, Section 278 and Section 38 agreements.

The guidance sets out the types of mitigation and infrastructure that can be secured by S106 and CIL obligations. Specific infrastructure requirements to support the planned development of the city will be identified in the Councils Infrastructure Delivery Plan (IDP). The IDP is a living document and will be updated on a regular basis. It is currently referenced as Annex 2 of the City Plan Part One (March 2016) and will be updated during 2021.

Details of all developer contributions secured by the Council and how they will be spent will be provided in an Annual Infrastructure Funding Statement, which is a requirement introduced by the CIL Regulations 2010 as amended.

Developer contributions are sought in accordance with the relevant legislation, national planning policy guidance and policy objectives as set out in the adopted development plan for Brighton & Hove, including the adopted City Plan Part One and saved policies from the 2005 Local Plan. It also includes:

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (2013)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Local Plan (2017)
- Shoreham Harbour Joint Area Action Plan (2019)

City Plan Part One Policy CP7 Infrastructure and Developer Contributions indicates the range of infrastructure for which developer contributions may be sought. Contributions will go towards the appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development and to secure a successful development in planning terms.

As a matter of course all s106 obligations and CIL charges will be placed on the Council's local land charges register until they have been discharged

# 1: Types of Developer Contributions.

Developer contributions will often be required to make a planning application acceptable in planning terms. This section describes the different types of 'developer contributions' that can be used by the council to secure a successful development.

## Community Infrastructure Levy (or CIL)

CIL was first introduced in the Planning Act 2008, with regulations governing the operation of CIL first being introduced in April 2010. These have subsequently been amended several times (Part 6, Chapter 2 of the Localism Act 2011 has the effect of amending parts of the Planning Act 2008 as it relates to CIL)

CIL is a non-negotiable financial levy that local authorities can charge on new development to fund infrastructure to support the planned development of the area. It is levied on new Gross Internal Area (GIA) floor space over 100 sqm or where there is the creation of a new dwelling.

Unlike a S106 planning obligation, there does not have to be a direct relationship between the development from which CIL has been secured and how it is spent. CIL can be spent on infrastructure anywhere in the city or outside of the city's administrative boundary should the authority deem that this would be beneficial infrastructure. The key objective of CIL is to deliver infrastructure to support the planned development of the local area. The amounts to be charged for different types of development per sqm must be set out in an agreed CIL charging schedule; informed by bespoke viability assessment and testing which has been reviewed through an examination in public. It is also necessary to demonstrate an infrastructure funding gap to ensure that there is a 'need'. Details of the examination can be found on the Council's CIL examination page. (<https://www.brighton-hove.gov.uk/content/planning/planning-policy/cil-examination>)

The IDP sets out the infrastructure required to support the development of the local plan. The IDP will be regularly updated as infrastructure needs are identified and delivered. As CIL can be used to pay for infrastructure, this is a key document in identifying priorities.

CIL is non-negotiable and the CIL regulations state it should be paid within 60 days of commencement unless there is an agreed Instalments Policy which will establish alternative payment dates. The Council's Instalments Policy can be found in Appendix 1

BHCC has followed the required procedures and legislative requirements to produce a CIL Charging Schedule. The CIL Charging Schedule was formally adopted at the July 23 meeting of the full Council 2020 and is payable on all relevant planning consents granted permission on and from 5 October 2020.

## The CIL Charging Schedule Table

Use	Location	Levy (£/sq. m)
Residential - applies to C3 use classes	Zone 1	175
	Zone 2	150
	Zone 3	75
C2 Extra care / assisted living	Zone 1 & Zone 2	100
Nil CIL charge zone rate	DA2 Brighton Marina, Gas Works and Black Rock Area King Alfred leisure centre Brighton General Hospital site Sackville Trading Estate/ Coal Yard site	0
Purpose Built Student Housing / Purpose Built Shared Living Accommodation	City Wide	175
Retail – Larger format retail (warehousing / Supermarkets)	City Wide	100
Retail - Other retail: A1-A5	City Wide	50
All other uses	City Wide	0

For further details, explanations and background please refer to the adopted CIL Charging Schedule [\(link\)](#)

### NIL rated CIL sites

The CIL consultation process identified that four sites may not be viable for CIL, due to their specific abnormal costs of development. The Inspector who undertook the CIL examination process concluded that these sites would not be viable for CIL. They will still be required to enter into S106, S278 and/or S38 agreements as appropriate to secure site-specific infrastructure and to make the development acceptable in planning terms.

## **CIL Exemptions**

The 2010 CIL Regulations as amended identified types of development that can apply for an exemption/relief from CIL. This must be applied for before development commences, and the applicant should await confirmation before commencing with the development. There are specific forms which must be completed which are available on the planning portal.

Depending on the circumstances, the following forms of relief may be available:

- minor development exemption
- exemption for residential annexes or extensions
- mandatory charitable relief
- discretionary charitable relief
- mandatory social housing relief
- discretionary social housing relief
- self-build exemption (for a whole house)
- exceptional circumstances relief



## Section 106 agreement

This process has been how developer contributions have been secured in Brighton & Hove prior to the introduction of CIL (Community Infrastructure Levy). The agreement identifies the planning obligations required pursuant to Section 106 of the Town and Country Planning Act 1990, which make a development proposal acceptable in planning terms.

A S106 obligation can:

- Restrict the development or use of the land in any specified way;
- Require specified operations or activities to be carried out in, on, under or over the land;
- Require the land to be used in any specified way; or
- Require a sum or sums to be paid to the authority on a specified date or dates or periodically.

Common uses of S106 planning obligations are:

- To secure onsite provision of affordable housing and to specify the amount, type and timing of such housing provision.
- To secure commuted sums for affordable housing in line with planning policy requirements;
- To secure other financial contributions to provide specific infrastructure

They can also be used to secure non-financial obligations such as works required by the developer to mitigate the impacts of a development e.g. measures to guard and preserve a protected species or provide biodiversity enhancements.

A legal agreement is entered into between the Council, landowners, developers and potentially other affected third parties as appropriate. It imposes financial and non-financial obligations on a person or persons with an interest in the land and becomes binding on that parcel of land. It also includes covenants on each party as a signatory to the agreement, including the Council.

Developers can also enter into agreements as a unilateral undertaking to the Council by which they covenant to provide infrastructure or funding without any commitments from the local authority.

S106 agreements will typically be sought from major developments, they may also be required for smaller developments or where the Council deems they are required in order to make the development policy compliant.

The 2010 CIL Regulations set out in Regulation 122 that S106 agreements should be used to provide onsite infrastructure and site-specific infrastructure which is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development and
- c) Fairly and reasonably related in scale and kind to the development.

A s106 will be used to secure site specific infrastructure. The sums and payment terms are negotiated between the Council and the developer.

## **Section 278 agreement**

This refers to the section of the Highways Act 1980. A S278 is used to ensure that work is carried out on the highway by the developer and that it is completed to the standards and satisfaction of the Council (as the Local Highway Authority.) Typically, it describes the scope of any off site works that are required to mitigate the impact of the development on the existing road network. It is a legally binding agreement which describes the proposed modifications to the existing highway network to facilitate or service a proposed development. It includes provision for a bond or deposited sum as a financial payment which is held by the Council until:

- appropriate certificates are issued for entering into a maintenance contract
- or a certificate of completion has been issued that the works are satisfactory

at which point the payment is returned.

## **Section 38 agreement**

This refers to the section of the Highways Act 1980. It is used when a developer proposes to construct a new estate road for residential, industrial or general-purpose traffic, usually within the development, that may then be offered to the Council for adoption as a public highway. The developer will usually undertake all the works required and then pass it to the Council, often with a financial bond attached and ongoing maintenance sums. It is a legally binding agreement between the Council and the developer.

## **Grampian Conditions**

The Local Planning Authority can also use Grampian (or negatively worded) conditions which restrict development until works have been carried out.

## **2: Viability**

### **Development viability**

Developer contributions are a necessary cost of development and it is expected that these requirements should be factored into the development proposal at an early stage in the same way as all other costs.

When developers consider that schemes may not be viable, these issues should be raised as soon as possible and detailed viability/cost information should be submitted to the Council for independent assessment and review. It is a local validation requirement that, if you are unable to meet your planning obligations, you must submit a viability assessment with your planning application. This will help reduce any delay in negotiations and agreeing the final s106 legal agreement to provide site specific planning obligations.

The onus is on the developer to provide robust evidence to demonstrate the non-viability of a development proposal. To substantiate a claim, the Council will require a full financial appraisal through an informed and independent assessment of viability signed by an appropriately qualified and independent valuer or financial professional. An independent assessment cannot provide binding arbitration, but the Council will consider its findings in considering viability issues on applications.

In all cases the Council will require an electronic version of the viability assessment tool in a working compatible format to test calculations and the figures provided.

### **Review Mechanism**

In meeting planning policy objectives for ensuring appropriate levels of contributions, a review mechanism may be required. This is often where the Council has agreed reduced contributions due to viability issues at the time of determining the planning application.

Such a mechanism will allow for re-evaluation of the viability of the scheme and an increase in the level of developer contributions to be provided where, for example land value assumptions may have been fixed at an early stage or an unpredicted rise in sales/revenue values.

The developer will be expected to pay all the Council's verification costs in making any assessment and reassessment.

### 3: The relationship between S106 and CIL

CIL does not necessarily replace the requirement to have a S106 agreement, should one be necessary. In some circumstances both can be requested for the same development site. A S106 obligation is for site specific mitigation, to make the proposed development acceptable and to provide for specific onsite policy requirements, whereas CIL provides funding for city wide infrastructure improvements required because of demand from all new developments.

Prior to the introduction of CIL, many S106 agreements requested contributions to mitigate matters which were site related but which were also sometimes provided for in the vicinity of the site such as sustainable transport improvements, public realm improvements and education provision. With the introduction of CIL, S106s will be considerably scaled back to being site specific and CIL will be collected to pay for off-site infrastructure improvements and to address the cumulative impacts of development.

The Government Guidance note on CIL states:

*'The levy is not intended to make individual planning applications acceptable in planning terms. As a result, some site-specific impact mitigation may still be necessary for a development to be granted planning permission. Some of these needs may be provided for through the levy but others may not, particularly if they are very local in their impact. There is still a legitimate role for development specific planning obligations, even where the levy is charged, to enable a local planning authority to be confident that the specific consequences of a particular development can be mitigated'* <https://www.gov.uk/guidance/community-infrastructure-levy>

#### Differences between CIL and S106

CIL is a non-negotiable financial levy (charge) on specific types of development as set out in the adopted CIL Charging Schedule. It has been rigorously tested for viability, through the preparation and examination process. CIL is a clear and transparent method for developers and others to calculate the amount of CIL which will be levied on the development site. CIL costs can therefore be factored in at a very early stage in the feasibility process.

S106 planning agreements are negotiable, with varying costs depending on the precise development proposal and requirements for the site. Contributions can be financial and/or non-financial.

CIL liability only arises if on completion the gross internal area of new build will be over 100 square metres or where the chargeable development comprises one or more dwellings.

S106 financial requirements are traditionally determined by reference to proposed units and estimated occupancy and mainly on major applications of sites over 10 units more and large non-residential sites.

CIL is captured on much smaller sites than the threshold used for s106 liable planning applications.

CIL cannot be used for the provision of affordable housing, which can only be secured through s106.

S106 is used to secure affordable housing both on site and for commuted sums for the provision of affordable housing off-site.

S106 financial contributions must be spent on site specific infrastructure; there must be a relationship between the development and where and how the money is spent. The agreement will specify the precise nature of how the financial contribution will be spent.

CIL is a levy on liable development which shall be used to provide infrastructure across the whole city, there does not have to be a relationship between the development which generated the CIL and where it is spent.

A charging authority must apply CIL to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support development within its area. (Reg 59)

There are two main types of CIL spend:

1. Strategic Infrastructure
2. Non-strategic (neighbourhood portion)

The strategic portion does not have to be spent on or near the development which generated the CIL, whereas the non-strategic portion should be spent in the local area.

The council will agree and publish on the website governance arrangements for approving both the expenditure of the Strategic Infrastructure element and the neighbourhood portion (outside of the area represented by Rottingdean Parish Council.)

## **4: Types of Infrastructure to be funded by CIL**

CIL is a levy on liable development which can be used to provide infrastructure across the whole city to address the cumulative impacts of development.

The CIL regulations set out that CIL can be spent on the provision, improvement, replacement, operation or maintenance, of infrastructure to support the development of the local area.

As part of the preparation of the Council's CIL Charging Schedule, a list was drawn up to indicate the types of infrastructure that CIL receipts could be spent on. The list below indicates the infrastructure type or project which may be funded from CIL receipts.

### **Air Quality**

All off-site citywide air quality mitigation and monitoring measures priorities where identified in Infrastructure Delivery Plan.

### **Education facilities**

All off-site provision and improvements to new or existing schools and public sector funded education facilities.

### **Emergency Services**

Cumulative impacts of development upon services where identified in Infrastructure Delivery Plan.

### **Energy and Utilities**

Strategic renewable energy projects, measures and facilities provision where identified in Infrastructure Delivery Plan.

### **Flood Risk Management**

Strategic Sustainable Urban Drainage Systems (SuDS) surface water flooding - priorities where identified in Infrastructure Delivery Plan

### **Health Facilities**

Off-site citywide health care facilities provision.

### **Open Space Provision**

All off-site provision and improvements to publicly accessible parks and other recreation open space facilities including amenity green areas and areas for food growing.

### **Recreation space built facilities**

All off-site provision and improvements including built provision to play space, indoor/outdoor sports, and playing fields.

### **Provision and enhancement of Green Infrastructure network**

Green infrastructure network connectivity including cross boundary infrastructure, rights of way, biodiversity measures and tree planting.

## **Public realm and cultural infrastructure**

Strategic public realm upgrade including environmental improvements, components for delivery of arts, cultural provision and production space and technology.

## **Transport and Highways**

City wide transport improvements including walking and cycling facilities and networks, public transport facilities and services, road safety, and parking and traffic management.

Off-site provision, improvement and maintenance to new and existing public highways infrastructure and rights of way including traffic signals, junction upgrades and lighting.

The alphabetical order of the list does not imply any preference or priority but is derived from objectives in approved council strategies and plans and detailed in Annex 2 of the Brighton & Hove City Plan Part One - Infrastructure Delivery Plan update 2017 which identifies infrastructure required to support development over the plan period to 2030.

The inclusion of a specific infrastructure type on this list does not commit the council to fund the project (either in whole or in part) through CIL, it merely provides an indication of the type of project.

The precise way in which the CIL receipts have been spent will be set out in an Annual Infrastructure Funding Statement which is a requirement of the 2010 CIL Regulations as amended. This states that charging authorities must prepare and publish an annual Infrastructure Funding Statement (IFS) which identifies the amount of developer contributions (including non-monetary) the Council has received from both CIL and S106; what it proposes to spend them on and what it has actually spent contributions on each financial year.

## 5: Types of Infrastructure to be funded by S106

CIL and S106 will exist alongside each other. Developer contributions for nil rated CIL sites will be expected to sign a S106, S278 and/or S38 as appropriate to the site. Most major development sites (e.g. sites of 10+ residential units) will most likely be subject to CIL and S106, whilst smaller residential sites are likely to only be CIL liable.

Where appropriate, developers and/or land owners will still be expected to provide site-specific infrastructure which is:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

The Council will seek S106 obligations, for on-site and site specific matters that are required to make the development acceptable in planning terms.

The list below reflects what was set out as part of the preparation of CIL to identify what S106 agreements would continue to secure :

1. Affordable Housing - on-site provision for development of 10 (net) units and over. For sites of between 5 and 9 (net) units the Council will request a commuted sum in lieu;
2. On-site recreation/sports facilities and/or open space provision where required by site-specific policy allocation;
3. On-site schools/education land and/or building provision where required by site-specific policy allocation;
4. Development related transport access, trunk roads and highways works provision under s278 and/ or s38 of the Highways Act 1980;
5. On-site transport and accessibility provision where required
6. On-site Local Employment training/job opportunities provision with supporting financial contribution;
7. On-site public realm provision including artistic element;
8. Development related flood defences and coastal engineering including site-specific policy allocation mitigation;
9. Development related water supply & utilities provision, & wastewater drainage;
10. On-site health care facilities, emergency services facilities and other community buildings;
11. Development related nature conservation and ecological measures;



## **Contributions which will no longer be secured from S106**

In line with the types of infrastructure to be funded by CIL, the items below demonstrate areas for which the Council previously secured S106 contributions which will be scaled back from 5 October 2020. S106 contributions for these off-site works will now be provided through CIL.

- Off-site Recreation space contributions;
- Off-site Education provision contributions;
- Off-site Sustainable Transport contributions.

## **6:Calculations/ Formulas for S106 contributions**

In the majority of cases the actual cost of what will need to be provided for on site will be calculated by the relevant department and shared with the applicant by the planning application case officer.

For affordable housing sums in lieu and the Local Employment and Training Scheme which specifically refer to a financial contribution, the formulas from the 2017 technical guidance remain in place. For all other areas there are no formulas but an indication of the type of contributions that will be expected.

Agreement to the overall contribution will be subject to negotiations with the developer prior to, and/or during, the planning application process.

### **6.1 Affordable Housing**

In accordance with Policy CP20 in City Plan Part One on-site provision of affordable housing is the Council's first priority for all suitable larger development sites (40% on sites of 15 (net) units or more, and where practicable, 30% on sites of between 10 and 14 (net) units).

#### **Alternative Developer Contributions / Commuted Sums for Affordable Housing**

Off-site provision of affordable housing on an alternative site or by way of a financial payment in lieu (or commuted sum) will only be acceptable in exceptional circumstances or where between 5 and 9 (net) units are being provided.

#### **Off-site Provision / Commuted Sums for Larger Development Sites**

In accordance with Policy CP20 in the City Plan Part one onsite provision of affordable housing is the councils first priority for all suitable larger development sites (40% on sites of 15 units or more, and where practicable,30% on sites of 10 – 14 units). Off-site provision of

affordable housing on an alternative site or by way of financial payment in lieu (or commuted sum) will only be acceptable in exceptional circumstances

There will need to be robust planning or housing reasons to accept offsite provision or a commuted payment on larger development sites. Such justification will need to be carefully made as the presumption will remain for onsite provision unless scheme specific circumstances indicate otherwise. This is a matter for the developer to demonstrate and for the planning authority in conjunction with strategic housing services to consider and agree.

Circumstances which might justify offsite provision or a payment in lieu could include:

- Where mixed community objectives/housing priorities could be better met in an alternative location. For example where family sized (3 + bedroom, outdoor space) housing cannot easily be provided for on the development site itself, and then it may be preferable to seek offsite provision or a commuted sum to fund such affordable housing elsewhere.
- Where there are high housing costs for occupiers associated with the development. For example, in high value areas where development leads to high service/maintenance charges and where this cannot be satisfactorily overcome or avoided by alternative design, massing or separate new build for the affordable housing.
- Where a Registered Provider finds it uneconomic or impractical to provide the affordable units agreed. An example could be where on some sites it is not practical, from a management perspective, to provide and manage a small number of on-site affordable housing units.

It is important to note that economic viability is not the key test for whether there should be on or offsite provision. Viability determines the overall amount of affordable housing contribution i.e. the appropriate percentage overall and the type (tenure, size mix) of affordable housing sought - whether provided onsite, offsite or as a commuted payment.

Neither off-site provision nor financial contributions will be a less expensive option than on-site provision, but will be equitable. In such circumstances where the proportion of affordable housing is being negotiated the Council may require the development's financial information be provided on an open book basis which will be required as part of the process.

**Calculation:** Where the case is agreed for accepting a payment in lieu of onsite provision, the calculation of the commuted sum will follow the same approach as set out for smaller development sites (5-9 units or sites of between 10 to 14 units)

## **Offsite provision on an alternative site**

Where the case for no on-site provision is agreed, then the Council may consider off-site affordable housing provision on an alternative development site. An example may be where a private developer can 'pair' up development sites.

Provision of affordable housing on an alternative development site will be in addition to any requirement arising from the development of the alternative site. Where an alternative site is insufficient in area to accommodate all the affordable housing requirement then financial contributions to remedy the shortfall will be sought.

## Commuted sums on Small Development Sites for Affordable Housing on sites of 5-9 (net) units and 10-14 (net) units

This guidance sets out the revised methodology and calculation of commuted sums (payment in lieu) in accordance with the sliding scale requirements for smaller development sites as set out in City Plan Part One CP20 Affordable Housing.

The Brighton & Hove City Plan Part One was adopted 24 March 2016. The City Plan sets out strategic housing policies regarding future housing delivery in the city to 2030 and Policy CP20 Affordable Housing replaces the 2005 Local Plan Policy HO2 for affordable housing.

Policy CP20 'Affordable Housing' requires an affordable housing contribution on all sites of 5+ net units:

- 20% affordable housing as an equivalent financial contribution on sites of 5-9 (net) dwellings;
- 30% onsite affordable housing provision on sites of 10-14 (net) dwellings or as an equivalent financial contribution; and
- 40% onsite affordable housing provision on sites of 15 or more (net) dwellings.

**Table 1** below indicates the equivalent number of affordable housing dwelling units for which a commuted sum would be required under Policy CP20. The numbers have been rounded to the nearest whole dwelling unit. This reflects the policy approach which is currently taken for onsite provision.

For example, for a scheme proposing 6 dwelling units, the equivalent number of affordable housing units for which a commuted payment would be sought is 1 unit. For 9 dwellings, the equivalent number of affordable housing units for which a commuted sum would be sought would be 2 units.

**Table 1: Sliding scale of affordable housing contributions Policy CP20**

No of units	20% affordable housing (equivalent no. units)		30% affordable housing (equivalent no. units)	
	20%	Rounded	30%	Rounded
5	1	1		
6	1.2	1		
7	1.4	1		
8	1.6	2		
9	1.8	2		
10			3	3
11			3.3	3
12			3.6	4
13			3.9	4

## Commuted Payments Calculation:

The general approach to the calculation of the commuted payment remains essentially the same as that currently outlined in the original Developer Contributions Technical Guidance as first established by Environment Committee February 2011.

The commuted payment will be based on a sum equal to the difference between an Open Market Value (OMV) and Affordable Housing Value (AHV).

Brighton & Hove City Council commissioned DVS Property Specialists to undertake the relevant valuations required in 2017 and from this to provide a schedule of commuted sum payments.

DVS were instructed to provide:

- A schedule of average market values for 1,2,3 bedroom flats and 2,3,4 bedroom houses across Brighton & Hove
- An analysis of different value areas in Brighton & Hove (i.e. low, medium and high).
- A schedule of average Affordable Housing values for the above unit types.
- A schedule of commuted sum payments.

The council will review these figures annually or as appropriate in line with changes in market conditions.

<https://www.brighton-hove.gov.uk/content/planning/planning-applications/affordable-housing-guidance-commuted-sums-vacant-building>

### Taking account of unit size mix

The appropriate unit size mix for the affordable housing contribution will be advised having regard to the balance of unit sizes across the proposed scheme as a whole. The commuted payment will then be calculated using the schedule above.

#### **Example 1: 6 residential units comprising 4 one bed and 2 two bedroom units**

The affordable housing contribution will be based on a commuted sum equivalent to 1 affordable unit (as indicated in Table 1). As the scheme is balanced more towards one bedroom units overall then the commuted payment will be that calculated for a one bedroom unit reflecting the appropriate value zone. For a flatted scheme in Zone 2 this will be £120,750.

Had the scheme comprised an even split of one bedroom and two bedroom properties then the commuted payment sought would be for a one bedroom unit.

#### **Example 2: 9 residential units comprising 4 one bedroom units, 4 two bedroom units and 1 three bedroom units**

Under this example, the appropriate affordable housing contribution for which a commuted sum would be secured would be equivalent to 2 affordable units (as indicated in Table 1). The commuted payment would be calculated on the basis of 1 one bedroom unit and 1 two bedroom unit reflecting the appropriate value zone. For a scheme of 9 flats in Zone 2 this will be £285,250.

## Securing the commuted payments and proposed uses

Developers have the option to secure commuted payments or a proposed use through either a Unilateral Undertaking or a S106 Agreement. Payments will be required upon scheme commencement.

Applicants are advised to confirm the appropriate commuted sum with a Planning Officer.

It is proposed that the Council would use commuted payments to fund the provision of affordable housing in the City in the following ways:

- To contribute to the costs of building new affordable housing;
- To contribute to the costs of area regeneration in connection with Council owned land that would provide new affordable housing;
- To contribute to the costs of purchasing land or properties either off-plan or existing buildings for as new affordable housing
- To contribute to the cost of bringing long term empty homes back into use as affordable housing; and
- To buy back former council owned homes sold under the Right to Buy under the Councils Home Purchase Policy

The approach for accepting a commuted sum in lieu is that financial contributions should be of 'broadly equivalent value' – the commuted sum should be equivalent to the developer/landowner contribution if the affordable housing was provided on-site.

In such circumstances where the proportion of affordable housing is being negotiated the Council may require the development's financial information be provided on an open book basis which will be required as part of the process.

This guidance will be incorporated into the Council's Affordable Housing Brief.

Guidance may be introduced regarding Build to Rent schemes in the future

## **6.2 On-site recreation/sports facilities and/or space provision where required by site-specific policy allocation;**

Where specifically identified as a requirement in a site-specific policy these should be provided for on-site as part of the proposed development.

On all other sites, open space and sports provision requirements will continue to be sought on site where it is feasible and practicable to do so in accordance with the adopted standards set out in City Plan Part One Policy CP16 and CP17 Sports Provision.

Where it is not practicable for all or part of the open space and/or sports provision requirements to be provided onsite then offsite contributions will now be replaced by CIL.

## **6.3 On-site schools/education land and/or building provision where required by site-specific policy allocation.;**

The Council will seek school / education land and or building contributions from sites which have a specific policy allocation or which come forward and are of such a scale that the development of the site would require a new school.

Education requirements are calculated using standard formulae, as set down by the Department for Education in the relevant Building Bulletin. This sets out standards of provision for education facilities, including the size and number of classrooms needed to accommodate a specific number of children and the cost multiplier for building costs per pupil places in schools in the city. The need for development to provide for an additional school will be guided by adjusted pupil forecasts produced by the Council from General Practitioner registration data provided by the Health Authority.

Where it is not provided onsite then offsite contributions will now be replaced by CIL.

## **6.4 Development related transport access, trunk roads and highways works provision under s278 and/ or s38 of the Highways Act 1980;**

### **Off Site Transport provision**

Following the introduction of CIL, the majority of new off-site transport provision (e.g. new traffic signals, junction improvements, new bike hubs and other sustainable transport measures) will not be subject to S106 contributions, but funded through other council programmes (e.g. Local Transport Plan and CIL)

Improvements and changes to the public highway may be necessary to ensure that the access to and egress from a site is acceptable. This will include how it is joined to the public highway and any alterations or relocation required to highway assets adjacent or opposite to the site (as defined by the redline boundary in the planning application) that are directly required because of the development of the site. Obligations will also be secured for future maintenance payments where reasonable.

Examples of the type of off-site contributions that may be required include:

- Relocating an existing bus stop that is no longer in a safe location due to the new development (but excluding the costs of any upgraded provision for shelters, real time bus information not provided by the current facility)
- Upgrading and repairs to the footpaths adjacent to the site to maintain public amenity
- Amendments and improvements to those parts of existing cycle paths that are located adjacent to the development
- Provision of additional spaces and cycles in existing adjacent Bike Hubs when linked to a site travel plan (but excluding the costs of providing new Bike hubs)

Developers may also wish to propose the inclusion of contributions for the cost of making other alterations to the public realm in order to improve the overall appearance and amenity of the wider setting in which their development is situated.

### **On-site transport provision where required**

Any transport related works required on site will be the responsibility of the developer and will be secured via a S106 agreement. Agreement to specific measures and the overall contribution will be subject to negotiations with the developer prior to, or during, the planning application process.

Examples of the type of onsite contributions that may be required include (but are not exclusive to):

- Works to overcome and issues relating to the site layout or permeability
- Schemes to improve the management of traffic and parking on site (including any extension of an existing CPZ to cover new dwellings being created)
- Onsite works to provide for and encourage the use of sustainable forms of travel such as pedestrian, cycle and buses, e.g. bus stop improvements,
- On site measures that improve safety and reduce or prevent casualties.
- Cycle parking and provision of new bike hubs
- Electric vehicle charging points and enabling infrastructure
- On street parking controls
- CCTV
- Street lighting

### **Implementing Works**

These works will be secured through a S106 agreement and implemented either through a Section 278 or S38 Highways Agreements. If highway works are to be carried out on the public highway by a developer, the Council as Highway Authority will enter into a Legal Agreement under Section 278 of the Highways Act 1980. If new estate

roads are to be constructed and then adopted as public highway, the Council as Highway Authority will enter into a Section 38 agreement under the Highways Act 1980. This agreement will allow the developer to construct the new roads under supervision of the Council once the full construction details have been agreed. These agreements allow developers to carry out highway works at their expense whilst insuring the Council against poor or incomplete workmanship. A bond covering the full costs of the works will be secured and released on completion of the works to the Council's satisfaction. The developer will be required, to pay for maintenance for a minimum agreed period following completion of the works after which the Council will then be responsible

## Travel plans

The justification for seeking obligations in respect of Travel Plans is set out in Paragraph 111 of the NPPF, policy CP9 of City Plan Part One and Policy DM 35 of the emerging City Plan Part Two.

The starting point for a Travel Plan is a Transport Assessment which shows what the issues are. The Travel Plan puts forward specific objectives to address these issues in relation to access and sets out all the measures to be implemented in detail, with an action plan, timescales, targets and responsibilities for implementation, monitoring and review. Where a development may cause significant amounts of movement it may be possible for a travel plan to address these and reduce them to acceptable levels.

The type and scale of development that will normally trigger the requirement for a Transport Assessment or Transport Statement and Travel Plan can be found in Policy DM 35 of the emerging City Plan Part Two (insert link to CPP2 webpage.) Travel plans secured under a S106 will be for a duration of no more than 5 years from the date of occupation. Developers may apply for them to be discharged as a condition sooner if sufficient evidence can be supplied that demonstrates the modal shift objectives contained in the plan have been met.

The estimated cost of the proposed travel plan measures to be included in the S106 will be considered as part of any viability assessment (and subsequent reviews) that the Council requires in accordance with Chapter/Section 2 of this guidance. The cost elements that will be used to calculate the value of the travel plan obligation can be calculated using the following methodology:

Travel Subsidies (Easit discount schemes, free bus or train tickets, car club credits etc as agreed)	Lump sum per dwelling/new full time job created
Provision of formal cycle training to residents and employees of the development	Lump sum per trainee (number of trainees calculated as 5% of the number of cycle spaces required by BHCC Parking Standards)
Provision of Cycle Maintenance Tools and Equipment	Lump sum per cycle space required by BHCC Parking Standards (Lump Sum)
Provision of Doctor Bike Sessions	Lump sum (based on 2 sessions per annum for 5 years)
Provision of a Travel Plan Co-Ordinator (including co-ordination of Bicycle User Group, production of travel packs, administration of free/discounted travel, travel planning advice & maintenance of	Lump sum (fixed cost per annum for 5 years)



site travel information)	
TRICS SAM Surveys	Lump sum (assumes a fixed fee per survey undertaken for 5 surveys over lifetime of development)
Management & Monitoring Fees to cover: <ul style="list-style-type: none"> <li>• Agreement of objectives, targets, actions and measures/incentives for the first travel plan (including future review frequency &amp; mechanisms)</li> <li>• Undertake reviews of updated travel plans submitted by the developer at agreed intervals</li> <li>• Auditing the developer's annual financial statement of expenditure on travel plan costs incurred</li> </ul>	Published set of fee charges using appropriate mechanism (lump sum or fee percentage as appropriate)

This sum will then be capped as the overall contribution charged for travel plans in the S106, although it will be subject to RPIX indexation in accordance with Chapter 7 of this guidance. A worked example of this calculation and the current lump sum rates that developers should use are published on the CIL pages of the BHCC website.

The first travel plan should be submitted at least 3 months prior to first occupation of the development, along with full payment of the agreed obligation (including the management and monitoring fees.)

The developer will be required to submit with each subsequent revision of the agreed travel plan full information on the expenditure that they have incurred in commissioning, managing and delivering the various travel plan initiatives funded through this obligation. This will include any information where a different expenditure pattern is emerging (eg lower than estimated take up of free bus travel, demand for additional bike maintenance schemes) to ensure that the plan continues to meet the needs of the occupants of the development.

All revenues generated from the fees for each travel plan obligation will only be used by the council for the purposes of monitoring and managing that specific S106 agreement.

For some development, a travel plan implementation bond may be required as part of a planning obligation. The travel plan implementation bond acts as surety against failure by the developer to implement the travel plan. The bond is based on the cost of implementing the travel plan, which is to be calculated by the developer. The timescale on which the bond is based covers a five year period, but can vary depending on phasing of the development. Where bonds are secured, the travel plan will be monitored annually, with one fifth of the bond (depending on development phase) released back to the developer if the travel plan is successfully implemented. If the developer fails to implement the travel plan then the Council may use the bond to deliver the travel plan measures.

For large development (see Appendix B of the Department for Transport's: Guidance on Transport Assessment (2007) or development located in existing areas where there are transport problems, a travel plan target bond may be

required in addition to the implementation bond. An annual target to reduce vehicle use and increase sustainable transport will be agreed between the developer and the council. If annual monitoring shows that targets have not been met, part of the bond will be called upon by the council to address the situation. If targets are partially met then a percentage may be deducted from the bond and provided back to the developer, with the rest being used to tackle unmet areas. The travel plan target bond may be secured through a planning obligation.

## **6.6 On-site Local Employment training/job opportunities provision with supporting financial contribution;**

As part of the objectives of City Plan Part One Policy CP2 (and SA6 Sustainable Neighbourhoods), apprenticeships, training and job opportunities for local residents will continue to be sought from developers on major development schemes. City Plan Part One Policy CP7 Infrastructure and Developer Contributions aims to ensure adequate infrastructure including appropriate social infrastructure through the provision of employment, regeneration and training initiatives on major development sites at demolition and construction phases in accordance with the Brighton & Hove Local Employment Scheme (BHLES).

### **The Brighton & Hove Local Employment Scheme (BHLES)**

The Council is keen to ensure ongoing developer support for the provision of local training and employment agreements for all major developments. Major development proposals will be required to provide direct provision of employment and training initiatives by the developer together with a financial contribution towards an agreed and established programme with a local partnership. The training is for the benefit of the construction industry as a whole, to mitigate the impact of the predicted skills shortage in the sector and is necessary to meeting policy objectives in respect of Social Infrastructure in providing suitably trained individuals required for demolition/construction services for new development.

The training provision would be for people living within the administrative boundary of Brighton & Hove, and directly related to the employment needs of the development with the aim to maximise opportunities to develop local skills and business performance and expand employment provision.

Seeking contributions for training co-ordination benefits all parties by providing employment, training, enabling sustainable development and mitigating the potential for delays to the construction process. A local workforce will enable easier recruitment and retention and will reduce the environmental impact of a commuting workforce. The advertising of all jobs, which relate to the development, should be accessible to local people through local, approved employment agencies such as Job Centre Plus and its partners.

An obligation will secure contributions towards the city-wide coordination of training and employment schemes to support local people to employment within the construction industry. Development will also directly contribute towards a workplace co-ordinator who facilitates easier routes to employment with contributions directly relating to the construction of developments and training for local people benefiting the city's major development sites across the city.

The methodology for securing contributions towards employment and training will enable the Council and delivery organisations to:

- engage in long term planning of the scheme;
- educate residents and trainees, who are then able to develop their skills and qualifications both on and off site;
- support developers in achieving a commitment to local employment and training;
- support the development industry;
- Support long-term monitoring and compliance with obligations.

A planning obligation for employment and training may include a number of elements such as:

- a contribution by the developer towards pre and post construction training;
- a commitment to recruit residents for jobs pre and post development;
- the provision of waged construction training placements on the development site;
- larger schemes to include the provision of a serviced, on site recruitment and/ or training facility and/or workplace coordinator;
- the provision of information that the Council can use to monitor the success of the scheme;
- the developer to enter into a partnership with a local college or training provider
- A dedicated Local Employment Scheme Co-ordinator

## How financial contributions are calculated for the BHLES

Financial contributions will be required for supporting the on-site training provision aided directly through the role of the Local Employment Scheme Co-ordinator and a local employment training off-site programme and its running costs, including the provision of an appropriately qualified tutor. The contributions will support both capital and revenue costs on the ‘Futures’ programme for residents and small businesses.

### Threshold and provisions

Contributions will be required from all new major developments including net gain provision on conversion and change of use, on or above the thresholds detailed below. Provision of contributions on all development will need to be agreed in detail by the Council and the developer and be met prior to the commencement of development.

All developments will provide an agreed percentage (a minimum 20%) of local employment on site and provision of training opportunities in negotiation with the Local Employment Scheme Co-ordinator.

### Residential Development Contributions

<u>All Residential Uses</u>	<u>Student /studio units</u>	<u>1 – 2 bed units</u>	<u>3+ bed units</u>	<u>Note</u>
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Contribution per unit (schemes of 10 units and above)	£100	£300	£500	Falling under Use Class C1 or C3
	£100	£300	£500	Falling under Use Class C2 and Sui Generis (Hostel)

### Non Residential Development Contributions

<u>Type of Development</u>	<u>Threshold</u>	<u>Contribution</u>	<u>Note</u>
All uses (except see below)	500m <sup>2</sup>	£10 per m <sup>2</sup>	All Use Classes except B2 and B8
Storage or distribution/general industrial	235m <sup>2</sup>	£5 per m <sup>2</sup>	Falling under Use Classes B2 and B8

#### Example of development contribution:-

750 m<sup>2</sup> B1 commercial space x £10 per m<sup>2</sup> = £7,500.

50 x student /studio units x £100 per dwelling =£5,000

The proposed thresholds and formula applied would be negotiated taking into account wider considerations linked to the development of the scheme.

## 6.7 On-site public realm provision including artistic element;

Contributions may be sought from major schemes towards direct on site provision in accordance with adopted City Plan Part One Policy CP7 Infrastructure and Developer Contributions which seeks development to contribute towards necessary social, environmental and physical infrastructure including artistic components secured as public realm improvements; and policy CP13 Public Streets and Spaces which seeks to

improve the quality and legibility of the city's public realm.

Where it is not practicable for public realm provision to be provided onsite then offsite contributions will now be replaced by CIL.

## **6.8 Development related flood defences and coastal engineering including site-specific policy allocation mitigation;**

Contributions will be sought from schemes towards direct on-site provision for sites which need to manage and reduce flooding risk in accordance with City Plan Part One CP11 Managing Flood Risk and where stated specifically in policy, for example policy DA2 Brighton Marina and DA7 Shoreham Harbour. Development proposals will need to mitigate any adverse effects on people and property in accordance with the findings of the Strategic Flood Risk Assessment. Where a risk is identified a site-specific flood risk assessment should be submitted which identifies how these risks will be mitigated and minimised. Development should include appropriate sustainable drainage systems to avoid any increase in flood risk and to reduce flood risk.

## **6.9 Development related water supply & utilities provision, & wastewater drainage**

Contributions will be sought for all necessary onsite works relating to water supply and utilities provision.

## **6.10 On-site health care facilities, emergency services facilities and other community buildings.**

Contributions will be sought for all necessary onsite provision relating to health care facilities, emergency services facilities and other community buildings

## **6.11 Development related nature conservation and ecological measures;**

Requirements and contributions for ensuring development provides appropriate nature conservation and ecology measures will be sought in accordance with City Plan policies CP7 Infrastructure and Developer Contributions and CP10 Biodiversity and the Nature Conservation and Development Supplementary Planning Document (SPD) 011 and any update of the SPD.

# **7: CIL & S106 Management, Monitoring Costs and Indexation**

## **CIL Management and Monitoring Fee**

The CIL Regulations state that up to 5% of CIL receipts can be spent on administering the Community Infrastructure Levy. This will pay for dedicated CIL officers to monitoring and manage the scheme as well as specific software to assist with the administration.

## **S106 – Management and Monitoring Fees**

### **Management of Section 106 Agreements**

The Council starts managing and monitoring each s106 agreement from the moment it is signed. This is a complex process as the individual S106 agreements contain different trigger points and obligations. The Council employs a dedicated CIL & S106 monitoring team to oversee this complex programme and ensure compliance with, and ultimately the delivery of, the obligations secured through s106 agreements. The Council has an established process for recording and monitoring Section 106 Agreements and other relevant legal agreements, including a database with details of all agreements

To ensure the efficient operation of the S106 process the Council will:

- Monitor all 'trigger points' (stages of development);
- Ensure that benefits and/or monies identified in the Agreements appropriate to that trigger are secured; Manage the receipt of monies and the setting up and monitoring of the bespoke accounts relating to each mitigating project;
- Procure the required works from third parties where necessary; and manage spending of S106 money and infrastructure delivery.

In order to compensate for any loss of value of received S106 receipts arising from inflation, pending expenditure all monies received will be held in interest bearing accounts. Any interest accrued will be applied by the Council to s106 related projects.

Specific numerical information relating to prices, formulas and, subsequently, the level of contributions due will need to be updated on a regular basis in order that the document remains relevant. The changes will be published in the Annual Monitoring Report. Any amendments to fee schedules will also be published on the website.

### **Financial Obligations**

Where a S106 agreement contains a financial obligation, details of how to make the payment will be provided on the demand notice or invoice which the Council will issue. The payment will be logged onto the Council's systems, once received.

Once a financial contribution is received by the Council, the service area with the responsibility for delivery of the s106 project will be informed. The CIL & S106 team will then regularly monitor the programme and progress to deliver the project(s) funded through the obligation.

All S106 obligations agreed, payments received from developers and expenditure by the council will be recorded appropriately and reported at least annually to the appropriate committee (s) of the council.

### **Non – Financial Obligations**

Where a non-financial obligation is required through a S106 agreement, the developer should provide evidence of compliance with the obligation to the Council's CIL & Section 106 team. This evidence would be required in any case should an application be made to discharge the Obligations at a later, unspecified point in time.

The delivery of non-financial contributions, or in-kind obligations, will be monitored by the appropriate service areas responsible for project delivery or the CIL & S106 team as appropriate. For example, where there is an Affordable Housing element to a legal

agreement, the Affordable Housing Team will monitor this section of the agreement to ensure that it is complied with.

## Management Fees

A S106 management fee will be charged for each S106 agreement. The fees for this will be reviewed on an annual basis and published separately on the Council's website.

The total fee chargeable and the current fee structure is outlined below:

S106 Fee Cap	The fees for each S106 agreement will be capped at no more than 5% of the total value of the financial contributions agreed (excluding any fees relating to agree deeds of variation)
Non Monetary Obligations	A fixed charge per head of term will be charged to monitor and manage the discharge of each non-monetary obligation
Monetary Obligations	A fixed charge per head of term will be charged to monitor and manage the delivery of each monetary obligation by the council.
Deed of Variation	A reasonable fee will be agreed with the developer on a case by case basis depending upon the complexity of the matter being agreed.

All management and monitoring fees will be due for payment to the Council upon the commencement of the development. Additional fees related to specific technical activities relating to individual obligations ( For example but not exclusive to: travel plan review fees, administration of the employment and training scheme, agreement of a scheme employment strategy) will be agreed separately as part of the negotiations for that particular obligation.

Any revenues generated from the fees will be used for S106 administration, monitoring and management purposes only.

The Council will review the fees annually and any changes will take effect from the 1<sup>st</sup> April for all new agreements (including those approved as "minded to grant" but remain unsigned on 31<sup>st</sup> March) entered into from that date. Management fees will not therefore be the subject of indexation (see below.)

### Deed of Variation

Following the completion and signing of a S106 Agreement, either the Applicant or the Council may find it necessary to modify the contents of an Agreement. Additional time, and therefore cost, will be required by the council and in the negotiation, preparation and the drafting of such agreements. Where the deed of variation request is instigated by (or because of actions caused by) the developer, reasonable fees will be charged for this, which will vary dependent on the complexity of the matter.

### Legal Fees

A standard clause within all S106 Agreements will require the applicant to pay the Council's legal fees for drafting and reviewing S106 agreements, and for reviewing unilateral undertakings whether or not the matter proceeds to completion.

### Enforcement

The developer should notify the Council upon commencement of development – or when other agreed triggers have been reached. Where the Council is not notified of this, and obligations become overdue, the Council will seek to enforce the obligation. From the 5<sup>th</sup> October 2020, standard clauses will be included in the S106 agreement to insert an additional financial penalty where any obligations become overdue. This is proposed at £500 (minimum) or 5% of total value of the obligation outstanding - whichever is the greater amount for the particular scheme where contributions become overdue.

## **CIL & S106 – Indexation**

### **CIL Indexation**

CIL is subject to annual indexation as set out in the CIL Regulations 2010 as amended. There is now a bespoke index, based on the Building Cost Information Service's (BCIS) All-in Tender Prices Index, which is known as the 'RICS CIL index'.

This index figure will be generated at the end of each year and will be applied to developments throughout the next calendar year to reflect changes in the amounts set out in the charging schedule. It will be made publicly available on the councils website and will not change throughout the year.

### ***RICS CIL Index for the year in which BHCC CIL was adopted is as follows.***

<i>Year</i>	<i>Index</i>	<i>Published</i>
2020	334	28th October 2019

### **S106 Indexation**

All financial contributions (with the exception of management fees) will be index-linked in order to allow for the fluctuation of prices between the date the agreement is signed and the date the payment is made. This is calculated based on the indexation adjustment of the relevant index, from the date the s106 agreement is signed to the expected date of payment. The additional amount paid on top of the financial contribution adjusts the contribution in accordance with inflation.

The method of indexation will be specified within the legal agreement. This will usually either be the Retail Price Index (RPI) published by the Department of Trade and Industry (DTI) or the Building Cost Information Service Index (BCIS) published by the Royal Institution of Chartered Surveyors (RICS), depending on the nature on the contribution. The BCIS index will be used for all obligations that are required to fund capital investment projects (e.g. new classrooms, replacement boilers, highways infrastructure etc.)

No indexation of costs will be applied to any non-financial obligations.



## Community Infrastructure Levy: Charging Schedule Instalments Policy

The CIL Regulations allow Brighton and Hove City Council in its capacity as the CIL Charging Authority to implement a locally derived instalments policy, this Policy is made in line with Regulation 69B of The Community Infrastructure Levy 2010 (as amended) Regulations.

**Date of Approval:** This Instalment Policy was approved by the Councils TECC committee on (Insert date)

**Date of Effect:** This Policy will come into effect from 5<sup>th</sup> October 2020

This policy was devised during the Covid19 outbreak and has specifically taken into consideration the needs of small site developments in order to assist economic recovery.

Total Amount of CIL Liability	No. of Instalments	Payment Periods and Proportion of CIL Due		
Amounts up to £50,000	2	50% payable within 90 days of commencement of development	50% payable within 180 days of commencement of development	
Amounts over £50,001 and up to £250,000	2	50 % payable within 60 days of commencement of development	50 % payable within 180 days of commencement of development	
Amounts over £250,001	3	25% payable within 60 days of commencement of development	25 % payable within 120 days of commencement of development	50 % payable within 270 days of commencement of development

**Commencement date:** This will be taken to be the date advised by the developer in the commencement notice under CIL Regulation 67.

**Phased Planning permissions:** Under Regulation 9 (4) of the CIL Regulations (2010), where a site has an outline planning permission with longer term phasing plans, each separate phase of development is treated as a separate "chargeable development". For clarification, this instalments policy will apply to each phase. The liability notice for each phase is triggered separately and the liability to pay is then triggered by commencement of each phase. The principle of phased delivery must be expressly set out in the planning permission.

**Section 73 permissions:** Under Regulation 70 (9) (of the amended regulations 2019) where a new planning permission is later granted in relation to the development under section 73 of TCPA 1990, then the amount of CIL in respect of the development will be payable in accordance with the instalment policy.

**The Instalment Policy only applies:** in cases where the persons liable for paying CIL have complied with all the relevant regulations and requirements. Regulation 70 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) sets out the requirements that must be complied with in order to benefit from the CIL Instalment Policy.

The CIL Instalment Policy will only apply in the following circumstances:

1. Where the council has received a CIL Assumption of Liability form prior to commencement of the chargeable development (Regulation 70(1) (a)), and
2. Where the council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1) (b))

If either of the above requirements are not complied with, the total CIL liability will become payable within 60 days of the commencement of the chargeable development. In addition, surcharges may apply due to the CIL Assumption of Liability Form and/ or the CIL Commencement Notice not being submitted to the council prior to the commencement of the chargeable development.

Once the development has commenced, all CIL payments must be made in accordance with the CIL Instalment Policy. Where a payment is not received in full on or before the day on which it is due, the total CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

In summary, to benefit from the CIL Instalment Policy, the relevant forms must be submitted to the council prior to the commencement of the chargeable development, and all payments must be paid in accordance with the CIL Instalment Policy

### Appendix 3 - Analysis of Neighbouring Authorities Instalment Policy

Authority	Instalment Policy (Y/N)	No. of Instalment bands	Lowest Band (CIL Liability)	No of days for first payment to be made (Full/Part)
<b>Sussex Councils</b>				
Wealden	Yes	3	Under £500,000	30 days (F)
Crawley	Yes	3	Under £150,000	60 days (F)
Chichester	Yes	5	Under £49,999	90 days
Lewes	Yes	2	Under £50,000	60 days (F)
Rother	Yes	3	Under £50,000	60 days (F)
South Downs National Park	Yes	3	Under £50,000	60 days (F)
Worthing	Yes	4	Under £50,000	60 days (F)
Horsham	Yes	5	Under £20,000	60 days (F)
Arun	Yes	4	Under £10,000	60 days (F)
Eastbourne	No			
<b>Unitary Councils</b>				
Southampton	Yes	3	Under £50,000	60 days (F)
<b>BRIGHTON AND HOVE</b>	<b>Proposed</b>	<b>3</b>	<b>Under £50,000</b>	<b>90 days (P) (50% due in 90 days &amp; 50% in 180 days)</b>
Portsmouth	Yes	2	Under £250,000	90 days (P) (25% due in 90 days & 75% in 270 days)

**Notes:**

- 1) In the table above, both types of councils have been ranked to show the least lenient to the most lenient policy for a smaller developments
- 2) The Under £50k threshold proposed for BHCC would allow more lenient payment terms for developments of up to 3 average 3 bedroom semi detached houses in Zone 2 (most major parts of the city excluding the seafront, city centre and urban fringe areas) of the city with an estimated CIL Liability of circa £45k

