

**BRIGHTON & HOVE CITY COUNCIL**

**TOURISM, DEVELOPMENT & CULTURE COMMITTEE**

**4.00pm 21 SEPTEMBER 2017**

**HOVE TOWN HALL, COUNCIL CHAMBER - HTH**

**MINUTES**

**Present:** Councillors Robins (Chair) Cattell (Deputy Chair), Nemeth (Opposition Spokesperson), Druitt (Group Spokesperson), Allen, Cobb, Horan, Mac Cafferty, Mears and Morris

**PART ONE**

**12 PROCEDURAL BUSINESS**

**12a Declarations of Substitutes**

12.1 Councillor Horan stated that she was present in substitution for Councillor O'Quinn. Councillor Cobb stated that she was present in substitution for Councillor C Theobald.

**12b Declarations of Interest**

12.2 There were no declarations of interests in matters listed on the agenda.

**12c Exclusion of Press and Public**

12.3 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.

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

**13 MINUTES**

13.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 22 June 2017 as a correct record.

**14 CHAIRS COMMUNICATIONS**

14.1 The Chair gave the following communications:

**Royal Pavilion & Museum**

- 14.2 The RPM has received Festival of Learning Employer award in the London and South East region for exceptional achievement in adult learning. The award celebrates businesses that have used learning proactively to develop and utilise the skills of their workforce to improve productivity, raise morale, increase staff retention and enhance their business performance. This workforce development programme at the RPM funded as part of the Arts Council funding pays releases front line staff to undertake different roles across the RPM.

**Connected's Arts & Creative Industries Commission**

- 14.3 The process for developing a new arts & culture framework in partnership with Brighton & Hove Connected's Arts & Creative Industries Commission is under way. A series of workshops is being held over coming weeks, followed by a Summit in November. The framework will articulate the shared vision for culture and creative industries in the area and identify the priorities and key actions for the partners in the coming years. This will provide a focus for seeking investment and for collaboration in the sector. The process is open, and will include some public debate. Interested parties are encouraged to get involved so that their voices can be heard. Consultants have been appointed to develop a new Visitor Economy Strategy and will be starting work in the coming weeks. Both this piece of work and the Cultural Framework, will link to the developing Economic Strategy for the city, to ensure that Brighton & Hove punches its weight as a leading cultural city and tourism destination.

**Launches at Brighton Museum and Art Gallery**

- 14.4 I attended two launches at Brighton Museum & Art Gallery in July, both showcasing really interesting community projects:
- 14.5 On Friday 14th July, I saw a display by the Photography Club, a spring-summer programme for young people run by the Royal Pavilion & Museums and Photoworks. The Club offered 14-16 year olds the opportunity to develop their camera skills, produce photographs for the two-month display and gain an Arts Award certificate. The group's work was inspired by Brighton Museum's 'Constable in Brighton' exhibition and meeting curators.
- 14.6 I was back on Wednesday 19 July for the exuberant opening of 'The Museum of Transology, in the Museum's Spotlight Gallery, open until 13 June 2018. I urge you all to see this bold, brave and profound exhibition. It shows a collection of material and stories drawn largely from members of the trans community in Brighton and explores their self-determined gender journeys.

**Visit Brighton**

- 14.7 Working with over 515 City partners engaged in tourism, in the last 3 months VisitBrighton has:

- Launched the Save Madeira Terrace Campaign – currently £180,000 pledged towards a target of £430,000
- Hosted journalists that has resulted in coverage in: BBC Good Food, Street Eats London, Red Magazine, The Telegraph and German national newspapers Freizeit Spass and Nürnberger Nachrichten
- Seen 671,348 unique visits to visitbrighton.com
- Engaged with 55k followers on Twitter, 22k friend on Facebook and 8k followers on Instagram
- Handled 66 conference enquiries, confirming enquiries which will generate £10m on their arrival, most notably confirming:
  - British Sleep Society Biennial Conference – arriving October 2017 – 400 delegates
  - Chartered Institute of Library & Information Professionals Annual Conference – July 2018 – 600 delegates
  - Society of Local Authority Chief Executives Summit – arriving October 2018 – 400 delegates
  - UNISON Healthcare Conference – April 2020 – 400 delegates
- Booked 4416 bed nights of accommodation for conference clients generating £62k commission

### Brighton Centre

14.8 The following have taken place:

- Successful delivery of Trades Union Congress (10 to 13 September 2017)
- Currently building up for Labour Party conference (open days 24 to 27 September 2017), expecting 11,000+ registered delegates, press, contractors and exhibitors to attend the event with National and International media coverage of the conference over this weekend and next week.
- 34 concerts confirmed in the diary from the beginning of October until Christmas with a further five conferences being held.

14.9 **RESOLVED** – That the contents of the Chair’s Communications be received and noted.

### 15 CALL OVER

15.1 All items on the agenda were reserved for discussion with the exception of Item 24 “Revised Local Development Scheme 2014–2017” which was agreed without discussion.

### 16 PUBLIC INVOLVEMENT

#### 16a Petition(s)

16.1 The Chair Referred to the fact that two petitions had been received, one of which had been referred from the Council meeting held on 6 April 2017. This had been deferred from consideration at the last meeting of the Committee in order to be considered in conjunction with the report on the "Review of Animal Welfare (Item 18 on the agenda for that days meeting. There was also an additional petition to be presented at the meeting on the same subject although representing an opposite view. The Chair confirmed that

he would therefore take each item in turn before then taking Item 18 and opening the matter up for discussion.

- 16.2 The Chair stated that in view of the delay in giving consideration to the petition from Ms Baumgardt the Chair invited her to come forward and to address the Committee. Ms Baumgardt was advised that she had up to three minutes in which to outline the reasons for the petition.
- 16.3 The Chair thanked Ms Baumgardt for her submission and referred to the second petition which had been submitted by Mr David Hibling requesting that animal circuses are not banned in the city. Mr Hibling was invited forward to address the Committee and was also advised that he had up to 3 minutes to outline the reasons for the petition and to confirm the number of signatories. The Chair thanked Mr Hibling for his submission.
- 16.4 The Chair suggested that as two conflicting petitions had been presented and the issues arising would be discussed in connection with the report on the Animal Welfare Charter (item 18 on that day's agenda) that it would be appropriate for the Committee to agree to note the contents of both petitions.
- 16.5 **RESOLVED** – That the content of the petitions be noted.

#### **16b Written Questions**

- 16.4 There were none.

#### **16c Deputations**

- 16.5 There were none.

### **17 MEMBER INVOLVEMENT**

#### **17a Written Questions**

- 17.1 The Chair noted that six questions had been received from Councillor Nemeth and three questions had been received from Councillor Mac Cafferty.

#### **Marlborough House**

- 17.2 Councillor Nemeth asked: "What actions have been carried out by Brighton & Hove City Council to enforce a series of planning breaches (recent or otherwise) at Marlborough House on the Old Steine in Brighton?"
- 17.3 The Chair provided the following written response:" "The council has issued two Listed Building Enforcement Notices in respect of unauthorised works to Marlborough House. The first of these required the removal of unauthorised rooflights and the reinstatement of dormer windows, rear porch and internal plaster to the basement. This Notice is still outstanding and officers are pursuing compliance with the owner. The second Notice refers to the unauthorised painting of the front elevation and requires the removal of the paint from the render and to return the windows to their previous colour. The period for compliance with this Notice expires on 6 November.

We are not aware of any other unauthorised works. We are seeking not only to secure compliance with the enforcement notices but also to find a way of bringing this vacant listed building back into long term use.”

### **King Alfred**

- 17.4 Councillor Nemeth asked: “In his capacity of head of major projects for Brighton & Hove, and given that Crest Nicholson was supposed to sign the King Alfred project contract in 2016, will the Chair make clear how long he is willing to wait before calling an end to the working relationship?”
- 17.5 The Chair provided the following written response:” The Council continues to work closely with Crest Nicholson and its partner the Starr Trust, to conclude the legal and financial details that are essential before the project is able to proceed. This has been more complex than originally anticipated and has certainly taken longer than we would ideally like. Progress has been made and all parties remain committed to moving forward. The ‘Housing Infrastructure Fund’, launched by the Government in July 2017, is targeted at projects just like this and it offers a potential source of funding that would help unlock the King Alfred Development. The Council and Crest are therefore in the process of developing a bid, the deadline for which is 28 September 2017, and the outcome of any bid should be known within a matter of months.”

### **Running Participation**

- 17.6 Councillor Nemeth asked: “What plans does the Chair have to increase participation in running locally?”
- 17.7 The Chair provided the following written response: ”A wide range of initiatives take place to increase participation in running locally in conjunction with local clubs, schools, events and other organisations. These include:

#### **TAKEPART Festival of Sport**

Running clubs promoted their activities at the launch event at The Level and offer taster sessions to encourage new members including Brighton & Hove Women’s Running club and Brighton Triathlon Club.

#### **National School Game Programme**

Competitions in both cross country and athletics are organised in partnership with local athletics clubs to ensure there is a link to enable regular participation.

#### **Startrack Athletics Days**

Freedom Leisure deliver Startrack athletics days at Withdean Sports Complex during the holiday activity programme to introduce young people to athletics.

#### **Events Programme**

The events programme has developed in recent years to include a wide range of running events at a variety of distances in addition to the success of the Brighton

Marathon. These events encourage regular participation in running to train for the event. Events such as Colour Run appeal to new runners and complement the regular opportunities available such as Parkruns.”

### **Effects of Graffiti on Tourism**

- 17.8 Councillor Nemeth asked: “What representations has the Chairman made to colleagues (prior to the submission of this question) on the effects on tourism of the huge increases in graffiti around the city centre that we have seen over the past two years?”
- 17.9 The Chair provided the following written response: “Thank you for your rather specific question, but nonetheless raising an issue of interest to residents and tourists. There hasn’t been a huge increase in graffiti in the past two years, and we are very positive about our tourism offer, with attendances the highest for 51 years at the Brighton Festival this year, and the Palace Pier named last month as the fourth most visited tourist attraction in Britain, and the most visited attraction outside London.
- 17.10 However, there has been an increase in tagging in the last couple of months, and this can have an impact on residents as well as visitors, so we are mindful of the issue of graffiti overall, including the fact that we are a major tourist destination.
- 17.11 As a Labour administration we care about the city’s environment – for residents and visitors – which is why we take enforcement action that is within our powers, and explore new opportunities for enforcement where we believe this will be beneficial. For example we have new enforcement action against fly-tipping and littering, as well as enforcement action to protect our parks and seafront.
- 17.12 I know that the Chair of Environment Transport and Sustainability is fully aware of the situation with regard to recent tagging, and has worked to ensure that all agencies are focussed on the problem: the police, enforcement officers and Cityclean.
- 17.13 For information, the council is responsible for removing graffiti from public property including the pavement, street signs, parks, lights and benches. We also remove offensive graffiti on both public and private property as soon as possible. Clearing other graffiti from private property is the responsibility of the owner, but the council will try to help prevent and remove graffiti where we can. We have cleaned the large graffiti from Barclays bank following requests from businesses and members of the public.”

### **Planning Department**

- 17.14 Councillor Nemeth asked: “What is the predicted date for the completion of the transformation of Brighton & Hove City Council’s Planning Department?”
- 17.15 The Chair provided the following written response: “There is a two year work programme in place (March 2017- March 2019) to modernise the Planning and Building Control Service. This programme is made up of a number of projects of which many will be delivered earlier, for example service efficiencies (ongoing to March 2018), introduction of customer service standards (September 2017) and performance improvements (ongoing). Though the programme is for two years there is a

commitment to continuous and ongoing improvement of the Planning Service in the future.”

### **Sculpture Trail**

- 17.16 Councillor Nemeth asked: "What progress has been made by Brighton & Hove City Council over the past year in working with Hove Civic Society and other interested parties since the initial meeting with the Chair to establish a sculpture trail for the city?"
- 17.17 The Chair provided the following written response: "The Civic Society has worked with the Council on the Hove Plinth project, including negotiating the lease on the site of the plinth and obtaining planning permission for the first three planned pieces of art. The Society's proposal to aggregate developer contributions and use Community Infrastructure Levy to create a funding pot for the commissioning of sculptures to create a trail around the city has been considered and officers from Planning have met the society on a number of occasions. As s106 contributions from developers are required to be spent specifically on the development sites, and Brighton and Hove does not yet have a CIL programme, the proposal as set out by the society cannot be progressed at this time. However, it is proposed to develop a more strategic approach to public art, which would include engagement with the private sector and could include a sculpture trail, following the publication of the new culture framework for the city in early 2018.

### **Commercial Estate Agent Boards**

- 17.18 Councillor Mac Cafferty asked: "A Regulation 7 Direction is currently in place to restrict residential 'for sale' and 'to let' boards within most of the conservation areas in the city centre. The effect is that no residential sale or letting boards may be displayed on the street frontages of properties without express consent. Although there is planning policy in place which regulates some of the aspects of advertisements, further to the growth of commercial estate agent boards along some of the busiest roads in a number of the conservation areas, I wonder if the Chair would consider:
- In the first place, discussing a voluntary agreement that could be reached between the council and the estate agents in the city on what can be done to limit the impact of commercial boards in the most sensitive historic areas or for promotion to be carried out in other ways;
  - Seeking to trial the idea of a selected area where a more robust approach is taken with regard to commercial estate agent boards;
- 17.19 Such a trial could be used to begin a broader discussion about potentially extending the current Regulation 7 to include commercial boards as well as residential estate agent boards in conservation areas. Any further commitment on this would obviously require a public consultation process and consent from the Secretary of State for Communities and Local Government. "Your concerns regarding the proliferation of commercial Estate Agents Boards in conservation areas in the city centre are noted. As indicated in your question this is an area already covered by a Regulation 7 Direction for the control the display of residential boards only.

- 17.20 In terms of introducing voluntary pilot scheme for controlling commercial signs, unfortunately, at this time officer resources are not available to support this. Following the resolution of this committee, officers are focusing on implementing a pilot scheme for the voluntary control of residential boards in the Coombe Road Area where there is a problem with proliferation of estate agents/letting boards. A report will be brought back to committee next spring to outline how successful this pilot scheme has been; and whether and how it should be rolled out to cover a wider area. This will help to inform taking forward other voluntary schemes such as controlling commercial estate agents boards.
- 17.21 In addition, in response to your suggestion, officers have instructed the consultant appointed to undertake the Old Town Management Plan to assess whether commercial estate agent boards are a problem in the Old Town Conservation Area. This is the type of evidence required to determine whether additional planning controls are justifiable in Old Town and potentially the wider Regulation 7 Direction Area. The Old Town Management Plan will be brought to this committee for consideration in June 2018.”
- 17.22 The Chair provided the following written response: “Your concerns regarding the proliferation of commercial Estate Agents Boards in conservation areas in the city centre are noted. As indicated in your question this is an area already covered by a Regulation 7 Direction for the control the display of residential boards only.
- 17.23 In terms of introducing voluntary pilot scheme for controlling commercial signs, unfortunately, at this time officer resources are not available to support this. Following the resolution of this committee, officers are focusing on implementing a pilot scheme for the voluntary control of residential boards in the Coombe Road Area where there is a problem with proliferation of estate agents/letting boards. A report will be brought back to committee next spring to outline how successful this pilot scheme has been; and whether and how it should be rolled out to cover a wider area. This will help to inform taking forward other voluntary schemes such as controlling commercial estate agents boards.
- 17.24 In addition, in response to your suggestion, officers have instructed the consultant appointed to undertake the Old Town Management Plan to assess whether commercial estate agent boards are a problem in the Old Town Conservation Area. This is the type of evidence required to determine whether additional planning controls are justifiable in Old Town and potentially the wider Regulation 7 Direction Area. The Old Town Management Plan will be brought to this committee for consideration in June 2018.”

### **Seafront Radios**

- 17.25 Councillor Mac Cafferty asked: “On several occasion over the summer months I witnessed with considerable concern that lifeguards were appearing to struggle to hear and transmit clear messages on their walkie-talkies on the seafront. I am assuming this had something to do with reception for their devices on the beach. Can I ask the Chair that this is investigated and for assurances that something will be done to improve this?”
- 17.26 The Chair provided the following written response: “The Seafront Office have not reported any difficulties with the reception for their devices on the beaches located in Hove and Brighton. Difficulties do occur when there are strong wind conditions and the



lifeguard has to seek some shelter to undertake a call. There are some issues with reception for the radios at the beaches in the Deans, but the lifeguards have mobile phones which provide additional cover to ensure communication can take place.”

### **Cheaper Train Fares From London Victoria**

- 17.27 Councillor Mac Cafferty asked: “With regard to tickets bought in person at the station on the day of travel, many of us will know that there are often good offers on train fares from Brighton to London Victoria but there are currently no such similar offers on journeys from London Victoria to Brighton. We may never know but I wonder how much this has impacted on day visitors who buy a ticket in person at Victoria Station. If we are to keep pushing to maintain our place as one of the nation’s favourite seaside resorts, we need to unlock as many of these blockages to visitors. Can the Chair please indicate if he would be willing to approach the rail companies to ask for their cooperation in promoting cheaper day returns for in person, on the day of travel offers in good time for the start of the tourist season in 2018? Such offers could be done in coordination with Visit Brighton and partners in the tourist attractions and hotel and restaurant trade in the city.”
- 17.28 The Chair provided the following written response: “Thank you for your question, I agree that Brighton & Hove arguably has as many interesting and varied attractions as the Capital, including many characterful features that are unique to the City, such as its 12km of beautiful coastline, Regency and Victorian architecture, easy access to The South Downs National Park and a very interesting cultural offering, including a vast array of high quality shops, restaurants and entertainment places. Whilst there are good transport links to the City, the train network is vital in providing efficient, high quality mass movement, particularly for the daily commute to London but is also important during the off peak hours and at weekends so is essential that the fare structure provides an incentive for visitors to travel to the City sustainably avoiding using their cars to support reducing both congestion and air pollution.
- 17.29 Officers have raised the issue of fare deals with Govia Thames Link Railways (GTR) who operate the Southern and Gatwick Express services and they commented that they “offer a range of advance fares for passengers travelling from Victoria to Brighton offering good value for money, for example fares for travel on Friday 22 September are available from £8.50. For those travelling on the day are Super Off Peak tickets available on the Thameslink route at weekends from London. However GTR operate a management style contract in this franchise with all passenger ticket revenue going to the government and this constrains their ability to offer cheaper fares.
- 17.30 Officers will pursue this matter further with GTR, in order to create a fare structure that will better serve and attract more visitors to the City. However lobbying of central government may be necessary to secure long term changes.”

### **17b Notice of Motion – Off Plan Sales**

- 17.31 The Chair noted that the following Notice of Motion had been approved at the meeting of Full Council held on 20 July 2017 and had been referred to the Committee for consideration:

17.32 This Council requests that:

(1) The Chief Executive writes to Secretary of State for Communities and Local Government to seek the introduction of new primary legislation for all local Authorities to ring-fence for a prescribed period of time – as determined locally - the sale of properties 'off-plan' at a discount to:

first-time buyers who are local residents who have expressed an interest following a call for such expression of interest  
Registered Providers, and  
Local Councils

After which prescribed period of time such properties would then be offered to all other local potential buyers, prior to UK commercial and overseas investors;

(2) Prior to the implementation of any guidance received, a report be produced and presented to Tourism, Development and Culture Committee to advise the likely impact such powers will have on:-

-future housing development projects by private entities in the City,  
-local property prices, and  
-potential additional homes provided, and quantity of and proportion by development set aside for affordable homes.”

17.33 The Chair gave the following response: “I would like to propose that the Notice of Motion is noted at this time. Subject to Committee approval our intention is to bring a report to the next Tourism, Development & Culture Committee on a range of matters arising from this motion including potential risks and opportunities. Improving Housing Supply in the City to meet identified local needs is a key priority of both our Housing Strategy and City Plan. A key theme of our Housing Strategy is the lack of availability of affordable homes, in particular family homes, and the economic impact of this lack of housing supply on our ability to retain lower income working households and employment in the City. The availability of homes in the city to meet the needs of our workforce, both public and private sector has become a problem for employers for whom the recruitment and retention of lower income workers in Brighton & Hove has increasingly become an issue.

17.34 This is in addition to the council’s ability to meet the needs of those who approach us for housing and those to whom we owe a duty to accommodate. Brighton & Hove has over [21,000] households on our Housing Register, 1,800 in temporary accommodation and a significant shortage of affordable homes. Housing demand, growth in the private rented sector and rising rents have an adverse effect on affordability of housing in the city. This has contributed to a decline in owner occupation as those seeking to buy their own home are increasingly unable to take advantage of housing for sale either through cost or as a result of sales of residential accommodation meeting demand from buy to let or other landlord investors often from outside the City rather than prospective home owners who live and / or work in Brighton & Hove. This has led to concerns that housing supply that is delivered locally fails to meet local housing needs and exploration of options to address this. Options already under consideration include the council’s

investigation of alternative funding and delivery mechanisms to deliver new housing supply to meet the needs of those who live and work in the City. This includes our Living Wage Joint Venture with Hyde and our work on a wholly owned housing company to take forward any opportunities for the Council to buy homes off plan on new developments in the City through our Housing Market Intervention approach.

17.35 Potential implications for any legislation will need to be carefully considered. In particular, there are likely to be significant implications from the introduction of such legislation on the ability of local planning authorities to deliver affordable housing through planning and other developer contributions/Community Infrastructure Levy payments. Planning policy currently seeks 40 per cent affordable housing on all developments of 15 or more dwellings. This is currently very challenging for viability reasons (particularly on brownfield sites) and therefore concerns are likely to be raised by the development industry that both requirements would make new residential development unviable and undeliverable. I therefore propose that the content of the "Notice of Motion" be noted and that the Committee request that a report be brought to the next Committee."

17.36 **RESOLVED** – That the contents of the Notice of Motion be received and noted.

## 18 REVIEW OF THE ANIMAL WELFARE CHARTER

18.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture prepared in response to a petition which had been considered at Full Council in April 2017 and referred to the Committee for further consideration. The petition had requested that the Council ban animals from performing at circuses in the city.

18.2 It was explained that the Council had adopted an Animal Welfare Charter which set out the Council's principles, values and policy on animal welfare standards including a policy relating to performing animals and circuses which provided that where it was lawful to do so, the Council would not allow land in its ownership to be used by circuses and other like enterprises of entertainment where caged and/or performing animals were used.

18.3 The Charter had been adopted taking into account the concerns of local people in respect of animal welfare and any cruel treatment, abuse or neglect of animals. The Charter exempted certain activities for instance, performances were allowed which involved equestrian acts, using only horses and ponies in circuses. Also the showing of birds, rabbits and other domestic animals. Attitudes to animal welfare and the ethics of using animals for performances had evolved and the report had considered therefore whether it would be appropriate to remove the existing exemptions.

18.4 The Chair, Councillor Robins stated that he had been notified of a proposed amendment by the Green Group. Councillors Drutt and Mac Cafferty stated that they considered that it was appropriate for the existing exemptions to be removed and for two additional recommendations to be added. The amendment was proposed by Councillor Drutt and seconded by Councillor Mac Cafferty in the following terms: (amendments/additions shown in bold italics)(wording to be removed in brackets)

**“2.1 That the Committee (agree that) *agrees to undertake consultation on the proposal to remove* the exemptions in the animal welfare charter, in respect of performing animals in circuses (are kept in place) *in light of the unanimous vote of Full Council on 6 April 2017;***

***2.2 That circuses visiting Brighton & Hove that continue to use performing animals are encouraged to review their policy; and***

***2.3 That a report is brought to Tourism, Development and Culture committee on whether fees for circuses with performing animals should be higher than fees for circuses without animals to account for the animal warden visits and the increased officer time responding to concerns by residents.”***

- 18.5 Councillor Mac Cafferty stated that he was concerned that the report appeared to put forward a rationale for maintaining existing arrangements but did not appear to have rehearsed consideration of adopting an alternative approach as rigorously. It was explained that in advance of carrying out a consultation exercise officers had explored the position and had formed the view based on the advice given that to adopt any other policy than that currently in place could expose the authority legal challenge.
- 18.6 Councillor Mears asked for clarification of the process which was followed when Zippos circus applied for permission to use Hove Lawns. It was confirmed that rigorous conditions had to be met and that following grant of permission regular visits were made to ensure that any animals were properly housed and cared for.
- 18.7 Councillor Druitt asked whether officers were aware of any instances of circuses had made changes to their performances in order to comply with conditions which had been imposed locally. It was confirmed they were not.
- 18.8 Councillor Druitt referred to the legislative arrangements governing the use of performing animals in Wales and the legal adviser to the Committee, Hilary Woodward explained that those legislative arrangements were separate to those governing the remainder of the UK and were not therefore relevant to consideration of this report.
- 18.9 Councillor Cobb considered that there was a difference between the use of wild and domesticated animals and was satisfied that as the RSPCA considered the animals to be well kept that was this use was acceptable and that no further action was required.
- 18.10 Councillor Mears concurred stating that she was satisfied that the animals were well kept were not suffering from stress and that as an entertainment family’s should be able to make an informed decision as to whether or not to take their children along.
- 18.11 A vote was taken in respect of the proposed Green Group Amendment, which was lost on a vote of 6 to 3 with 1 abstention. Members then voted on the substantive recommendations as contained in the officer report.
- 18.12 **RESOLVED** – That the Committee agree that the exemptions in the “Animal Welfare Charter”, in respect of performing animals in circuses, are kept in place.

## **19 TOAD’S HOLE VALLEY SUPPLEMENTARY PLANNING DOCUMENT**

- 19.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture setting out the results of the consultation undertaken on the “draft” Toad’s Hole Valley Supplementary Planning Document (SPD) and seeking approval for the changes made and adoption of the SPD.
- 19.2 It was noted that once adopted the SPD would assist in the delivery of the City Plan Part One by providing guidance, illustrations and examples to aid the preparation of detailed development proposals and to support the successful delivery of a new neighbourhood for the city at Toads Hole Valley.
- 19.3 Councillor Mears welcomed the report but expressed concern that the full document had not been made available to members stating that it would have been useful if Members had all of the relevant background information at their disposal when considering the report. The Executive Director, Nick Hibberd acknowledged all that had been said but explained that this document would provide guidance which would sit alongside the Council’s policies.
- 19.4 Councillor Druitt had similar concerns and queried whether it would be appropriate to defer consideration of the report until the Committee had the opportunity to consider all of the relevant background documents.
- 19.5 The Legal Adviser to the Committee, Hilary Woodward, explained that the Supplementary Planning Document (SPD), now had considerable weight although not as much as if it had been fully adopted. This document was not policy but was intended to provide guidance.
- 19.6 Councillor Mac Cafferty stated that he was aware that work on this document had been ongoing for some time and sat alongside the infrastructure documents and the overarching masterplan. Councillor Mac Cafferty noted that reference was made in the report to a transport assessment taking place in future but that no mention appeared to have been made to on-site infrastructure, seeking confirmation in respect of that matter. Councillor Mac Cafferty was concerned that its omission could result in a document which was not sufficiently robust.
- 19.7 It was explained that this document was intended to build in essential safeguards although it was not possible to require a masterplan for this site there was case law which could be invoked.
- 19.8 In answer to comments raised regarding the language used in the document, the Legal Adviser to the Committee, Hilary Woodward explained that Counsel’s advice had been given regarding the language used in order that it did not expose the authority to challenge.
- 19.9 Councillor Morris stated that notwithstanding that he wished for the word “encouraged” to be re-inserted into the text and it was agreed that this could be done without compromising the document overall.
- 19.10 **RESOLVED** – (1) That the Committee notes the results of the public consultation (Appendix 1) on the draft Toad’s Hole Valley SPD and accompanying Consultation

Statement (Appendix 2) and Strategic Environmental Assessment (Appendix 3) and endorses the changes made to the document; and

(2) Adopts the SPD15 “Toad’s Hole Valley” (Appendix 4) as an SPD subject to any minor grammatical and non-material text and illustrative alterations agreed by the Head of Planning prior to publication.

## 20 PROPOSED SUBMISSION SHOREHAM HARBOUR JOINT AREA ACTION PLAN

- 20.1 The Committee considered a report of The Executive Director, Economy, Environment and Culture seeking approval for the application of the Submission Shoreham Harbour Joint Area Action Plan (JAAP) along with its supporting documents. Approval was also sought for formal submission to the Secretary of State for independent examination. It would once approved provide a detailed planning policy framework for the implementation of development and infrastructure in the Shoreham Harbour Regeneration Area and covers a 15 year period.
- 20.2 It was explained that publication (once the submission had been approved) would be for a six week period of statutory public consultation prior to submission to the Secretary of State. The JAAP had been prepared jointly between the three local planning authorities: Brighton & Hove City Council, Adur District Council and West Sussex County Council and in partnership with the Shoreham Port Authority. Once adopted the JAAP would form part of Brighton & Hove’s Development Plan and would sit alongside and would need to comply with the Brighton & Hove City Plan Part One. It would also need to comply with Adur’s Local Plan.
- 20.3 The Head of Planning, Policy and Major Projects, Liz Hobden, explained that approval was sought for approval of the proposed submission in respect of the Shoreham Harbour Joint Area Action Plan (JAAP) along with its supporting documents. It would provide a detailed planning policy framework for the implementation of development and infrastructure in the Shoreham Harbour Regeneration Area and covered a 15 year period.
- 20.4 The Head of Planning, Policy and Major Projects, advised that a correction was required to the JAAP submission in order to address a drafting error, this related to the section titled “Development Form and Typography” in the supporting text on page 79.(Deleted wording is shown underlined and the replacement wording is shown in bold and underlined):

### Paragraph 4.2.34

The following principles for development form are proposed:

- For new employment floorspace at the basin level, flexible employment uses are proposed arranged as two to three storey buildings on under-used plots.
- Mixed employment and residential uses with a dual frontage onto Kingsway (residential/mixed commercial activities of up to four storeys above Kingsway
- **(mixed commercial activities with residential accommodation on upper storeys)**, and Basin Road North (employment uses)
- Buildings in the basin itself should be simple and flexible with a contemporary appearance and character in keeping with the aesthetic of the harbour.

- New buildings should be of a modern design which complements the existing historic character.
- 20.5 The correction addressed an inconsistency between the policy and the supporting text. The inconsistency arose because the policy was amended after the landowner/developer challenged the soundness of the restriction on building heights. In addition to this the policy was not considered to comply with the adopted City Plan Part One which seeks full and effective use of all sites (the policy amendment is set out at Appendix 2, page 6, amended clause (7) to policy CA2.). The supporting text of the JAAP was not updated to reflect the change to the policy which was an oversight.
- 20.6 Councillor Nemeth proposed an amendment on behalf of the Conservative Group, stating that notwithstanding the rationale given for the officer amendment he considered that the wording as originally set out (notwithstanding the officer view that this was incorrect), reflected his views, he wished that wording to be voted on. In his view 7a should read as follows:
- “Building heights (as set out in Note 4.2.34) should be justified with regard to analysis of the local urban design context, orientation, sunlight and daylight impacts and apply high quality design principles.
- Councillor Nemeth stated that he had simply added the words “(as set out in Note 4.2.34).” The amendment was seconded by Councillor Mears.
- 20.7 Councillor Nemeth stated that he considered that it was very important to ensure that height restrictions be maintained particularly once the Port Zed scheme came on stream. Residents of his ward had raised strong objections in respect of this matter and he considered that these should be respected.
- 20.9 Councillor Druitt sought clarification regarding the position should any amendment be agreed e.g., whether the process would be delayed and whether that would give rise to be a further consultation period.
- 20.10 Councillor Mac Cafferty stated that he was aware that it had taken a long time to this point. Enquiring whether approval of all of the constituent authorities would be required in order to effect any changes and whether this would be impacted by any subsequent boundary changes.
- 20.11 Councillor Morris noted that 46 letters of objection had been received in total, very few in relation to the size and scope of JAAP. The document had been fully consulted on and he did not therefore support the proposed amendment.
- 20.12 The Head of Planning Policy and Major Projects, Liz Hobden explained that the contents of the document before the Committee needed to be agreed by each of the constituent authorities and had been drawn up following a full consultation process. Any changes could not be agreed without further consultation and agreement by all parties.
- 20.13 The Legal Adviser to the Committee, Hilary Woodward, concurred that was so. Detailed and lengthy discussions had taken place and the submission now needed to move on to the next stage.

20.14 A vote was taken in respect of the proposed amendment put by Councillor Nemeth and seconded by Councillor Mears. The amendment was not carried, it was lost on a vote of 7 to 3. The Committee then voted on the substantive recommendations as set out in the report to include the officer amendment to the JAAP document itself. These were agreed on a vote of 7 to 3 as set out below.

20.15 **RESOLVED TO RECOMMEND** - That the Tourism, Development and Culture Committee recommends the following to Full Council

(1) That the "Proposed Submission Shoreham Harbour Joint Area Action Plan" appended as Appendix 1 to the report be agreed and published for a six week period of statutory public consultation together with its supporting documents commencing November 2017;

(2) That the document be subsequently submitted to the Secretary of State, subject to no material changes arising from the consultation, other than alterations for the purposes of clarification, improved accuracy or meaning or typographical corrections, being necessary;

(3) That the Head of Planning be authorised to publish and subsequently submit all necessary supporting evidence and studies to the Secretary of State;

(4) That the Head of Planning be authorised:

(a) to agree any draft "main modifications" to the Shoreham Harbour Joint Area Action Plan as necessary to make the plan sound;

(b) to publish such draft modifications for public consultation; save that should any draft modification involve a major shift in the policy approach of the Shoreham Harbour Joint Area Action Plan the draft modification shall be referred by the Head of Planning to the Tourism, Development & Culture Committee for approval; and

## 21 **COMMUNITY INFRASTRUCTURE LEVY - PRELIMINARY DRAFT CHARGING SCHEDULE**

21.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture which provided an update on the preparation of a Community Infrastructure Levy (CIL), as previously agreed by the Economic Development and Culture Committee on 22 September 2016 and sought approval to consult on a Preliminary Draft Charging Schedule (PDCS) underpinned by the findings of a bespoke CIL Viability Study.

21.2 It was noted that at its meeting in September 2016 the then Economic Development and Culture Committee had resolved that work commence on a CIL charging schedule for Brighton and Hove, noting that a key stage was to publish a PDCS for consultation. A CIL viability study had been carried out by consultants in order that it underpin the PDCS. This study had found that new-build residential development; purpose built student housing and new retail floor space could all bear a CIL charge within a recommended charging range. Other uses were recommended for a zero charge. In accordance with CIL Regulations, the CIL charge will be payable on new residential



units and new development creating over 100sq.m of net additional floor space. Exceptions included new affordable housing units, self-build housing and development by charities.

- 21.3 Councillor DrUITT welcomed the document and welcomed the fact that the level of fees charged could be adjusted each year in line with inflation and asking whether it was capable of review in the light of recession too.
- 21.4 The Legal Adviser to the Committee, Hilary Woodward explained that as this fell within a particular statutory framework which limited what could be done.
- 21.5 Councillor Morris asked whether the CIL was allied to property prices and it was confirmed that they were linked to local values.
- 21.6 The Chair, Councillor Robins sought clarification of the CIL boundaries.
- 21.7 **RESOLVED** – (1) That the Committee notes the findings and recommendations of the CIL Viability Study 2017; and

(2) That the Committee agrees to publish the Preliminary Draft Charging Schedule listed in Appendix 1 for formal consultation, as required under the CIL Regulations 2010 (as amended), for an eight week period and to authorise the Head of Planning to make any necessary minor editorial/grammatical amendments to the Preliminary Draft Charging Schedule prior to consultation.

## 22 HMO ENFORCEMENT UPDATE

- 22.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture which provided an update on enforcement investigations carried out in respect of Houses in Multiple Occupation (HMO's). The report set out the current position in respect of those investigations.
- 22.2 It was noted that the then Economic Development and Culture Committee had agreed at its meeting on 9 March 2017, in response to a request received from Councillor Hill, that it would bring forward a progress report to a future committee meeting.
- 22.3 The Planning Manager, Applications, Nicola Hurley, explained that the Planning Enforcement Team had investigated a high number of complaints across the city covering all aspects of development and had also resolved a significant number of breaches of planning regulations during 2016-2017. 820 new cases had been received and 604 cases had been closed. Both of those figures represented a significant increase on previous years and this could be attributed in part to the significant increase in reports of unauthorised HMOs in the city.
- 22.4 At the time of Councillor Hill's request and as reported to the Planning Committee in July 2017, at that time there had been 98 live HMO enforcement cases of which approximately 47 had been awaiting the outcome of decisions on planning applications; 12 enforcement notices had been issued of which 7 were in the appeal process. Four of the 12 notices issued since October 2016 had been served as a consequence of an application being refused.

22.5 Councillor Mears sought clarification regarding the number of officers in post and the allocation of enforcement cases in order to clear any backlog, she understood this stood at around 300 cases currently. Councillor Mears was aware that in her own ward alone there were a number of enforcement/potential enforcement issues awaiting allocation. It was confirmed that officers appointed in July were still in the process of being trained. The

22.6 **RESOLVED** – That the contents of the report be noted.

### **23 HOUSES OF MULTIPLE OCCUPATION - RESPONSE TO MATTERS RAISED AT FULL COUNCIL**

23.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture which had been prepared in response to matters been raised at the meeting of Full Council which had taken place on 20 October 2016 following submission of a petition on behalf of “Family Homes Not HMOs.

23.2 It was noted that the petition had requested that:

i The City Plan Part One be reviewed in order to increase the area of restriction from 50 metres where applications for conversion to HMOs would be rejected if more than 5% of dwellings were already HMOs;

ii Consideration be given to the extension of the current Article 4 Direction area and options to further extend the licensing of private rented housing; and

iii Consideration be given as to whether to better align the Planning and Licensing functions in relation to HMOs and learn from other university towns as to more effective management of student HMOs and to request a report on this matter to committee.

23.3 It was noted that as set out in Policy CP21 of the City Plan Part One, the current threshold used in considering planning applications for new build HMOs or a change of use to HMO was that they would not be permitted where more than 10% of dwellings within a radius of 50 metres of the application site were already in HMO use. This policy was being used to determine planning applications and applications which did not meet the criteria were usually refused. Research undertaken had indicated that no other planning authorities had set a threshold below 10% which would appear to show that a threshold as low as 5% would be hard to justify as a level which caused significant harm to residential amenity. It would need to be demonstrated that a 5% concentration was the ‘tipping point’ where a locality became unbalanced and the negative impacts of HMO concentrations become apparent, and that the current 10% level was ineffective in preventing further deteriorations in residential amenity.

23.4 The Article 4 Direction and Policy CP21 were not intended to provide a cap on the total number of HMOs, rather to prevent further over-concentrations in areas that already had a proliferation by encouraging a more even spread. The evidence set out in Appendix 1 indicated the policy as currently worded was effective in preventing further proliferation

of HMOs in areas of high concentrations. Planning policy could not however be applied retrospectively to reduce concentrations in areas with existing high levels of HMOs.

- 23.5 The threshold for refusing new HMOs in CP21 had been intentionally set at what was considered to be a relatively high level to reflect the sensitivity of a large proportion of the residential areas covered by the Article 4 Direction which were covered by high density terraced housing, the benchmarking exercise which had been carried out had indicated that the 10% within 50m threshold in Brighton and Hove was one of the most stringent. Extending the distance from the application property from 50m to 150m for the purposes of analysing the existing concentration of HMOs would be hard to justify. Properties at a greater distance away were less likely to be affected by any negative amenity impacts such as noise disturbance that could arise from the potential HMO. There might also be unintended consequences of extending the radius of the area considered from 50m to 150m. Applications currently refused due to there being over 10% HMOs within 50m could fall below the 10% threshold as a consequence of extra properties being included in the assessment of a wider 150m radius area. For example, a larger radius could include a flatted development several streets away, these were usually predominantly C3 residential units. This would make the grant of permission more likely even if the HMO concentration within the immediate 50m radius is above the threshold. The opposite effect may also occur however, and the overall effect on the number of applications granted is likely to be neutral and for that reason this approach was not recommended.
- 23.6 Councillor Morris noted the content of the report stating that in his view possible extensions in future should be given serious consideration.
- 23.7 Councillor Nemeth considered that consideration of percentage change overall had some merit and should be explored. It was explained that some changes could be effected as a result of the on-going consultation process and what form they might take would emerge as a result of that process.
- 23.8 Councillor Druitt stated that he welcomed the report and the approach suggested which he considered to be sound.
- 23.9 Councillor Mears stated that she was in agreement that the suggested approach which sought to take account of the high density terraced housing which characterised some areas of the city represented a sensible approach.
- 23.10 **RESOLVED** – (1) That the Committee notes the contents of the report as a response to the matters raised, set out in paragraph 1.1 of the report, in particular;
- (2) That the City Plan Part One is not reviewed and that consequently the radius and % threshold relating to assessments of HMO concentration set out in Policy CP21 are not altered;
- (3) That the Committee support the inclusion of additional criteria (as described in paragraph 3.14 of the report) in a draft HMO policy in the Draft City Plan Part Two, due to go out to public consultation in summer 2018;

(4) That the process seek an extension of the Article 4 Direction Area is not commenced at the current time, but the situation be closely monitored.

## **24 REVISED LOCAL DEVELOPMENT SCHEME, 2014 – 2017**

24.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture seeking approval to the revised Local Development Scheme (LDS). A three year work programme was detailed which set out the timetable for preparation of the set of documents that made up the development plan for Brighton and Hove and covered the period 2017 to 2020.

24.2 The contents of the report were noted and the recommendations set out in the report were agreed by the Committee without discussion.

24.3 **RESOLVED** – (1) That the Committee approves the revised Local Development Scheme 2017 – 2010; and

(2) Resolves that the scheme is to take effect from 21 September 2017.

## **25 MAJOR PROJECTS UPDATE**

25.1 The Committee considered the content of the Major Projects Bulletin which set out updates in respect of major schemes in progress across the City including the Royal Pavilion Estate Brighton Waterfront, the King Alfred Development and Circus Street. It was noted that this information had been presented in a new format which it was hoped would aid understanding.

25.2 Councillor Morris noted that ticket sales for the 1360 had been less than had been projected and hoped that would not be negative in the longer term and that those figures would be published and would available in the public domain. Councillor Mears stated that she believed that information had been published and was easily accessible. Councillor Mears also welcomed the new format for this report which in her view made it easier to pick out the headline items.

25.3 Councillor Druitt welcomed the report stating that as it was received for information it always appeared at the foot of the agenda considering which was regrettable, requesting that thought be given to placing it higher on future agendas. The Executive Director, Economy, Environment & Culture confirmed that would be done.

25.4 **RESOLVED** – That the contents of the report be received and noted.

## **26 ITEMS REFERRED FOR FULL COUNCIL**

26.1 It was noted and agreed that the following item needed to be referred to Full Council for approval:

Item 20 “Proposed Submission: Shoreham Harbour Joint Area Action Plan”.

The meeting concluded at 7.25pm

Signed

Chair

Dated this      day of

