

**BRIGHTON & HOVE CITY COUNCIL**

**TOURISM, DEVELOPMENT & CULTURE COMMITTEE**

**2.00pm 11 JANUARY 2018**

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

**MINUTES**

**Present:** Councillors Robins (Chair), Cattell (Deputy Chair), Nemeth (Opposition Spokesperson), Druitt (Group Spokesperson), Allen, Brown, Mac Cafferty, Mears, Moonan and O'Quinn

**PART ONE**

**38 PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

38.1 Councillor Brown was present in substitution for Councillor C. Theobald.

38.2 Councillor Moonan was present in substitution for Councillor Morris.

**(b) Declarations of Interest**

38.3 Councillor Allen declared a non-pecuniary interested in respect of Item 47) Fees & Charges 2018/19 - Sport & Leisure, Venues and Libraries, as his son owned a beach hut. He noted that he remained of a neutral mind and would take part in the consideration and vote on the report.

38.4 Councillor Druitt declared a pecuniary interested in respect of Item 45) Brownfield Land Register, as he was the director of a company which leased a brownfield site. He explained that he would leave the Council Chamber during the consideration and vote of the report.

38.5 The Chair and Councillor Mac Cafferty explained that they had sought legal advice from the Monitoring Officer regarding their position in relation to Item 48) Royal Pavilion Estate Capital Project Phase 2 Update and Item 49) Royal Pavilion and Museums Trust Arrangements – Progress Update as they were members of the Shadow Trust Board. They had been granted a dispensation by the Monitoring Officer to permit them to participate fully in consideration of the two items. The Senior Solicitor advised that the dispensations had been granted because of the special circumstances of the case including: that the reports were for noting and recommendations to the Policy, Resources & Growth Committee rather for any decision to be made; both the Chair and Councillor Mac Cafferty were members of the Shadow Trust Board as representatives of the council and so their interests had not arisen in relation to their private, personal

capacities; any substitute Member would need to substitute for the whole meeting, rather than for those two items only; Moreover, the Deputy Chair would take the Chair for the consideration of and vote on the item 49 as she had no declarable interest in it and in case a casting vote was required.

**(c) Exclusion of Press and Public**

38.6 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.

38.7 **RESOLVED** – That the press and public not be excluded from the meeting.

**39 MINUTES**

39.1 Councillor Druitt noted that 32.6 stated that the Green Group amendment was received late; however, it was on time and sent at 1000 hours on 16 November 2017.

39.2 Councillor Mac Cafferty noted that 34.5 should have specifically stated that he was discussing the Sackville Hotel site.

39.3 Councillor Mac Cafferty noted that the second sentence of 32.4 should read: *“Whilst it was recognised that negotiations took place with organisers and that each application was considered on its individual merits, he considered that there was a need for a clearer charging policy.”*

39.4 Councillor Mac Cafferty noted that the last sentence of 32.4 should read: *“In his own ward damage had occurred following events held on Brunswick Lawns and whilst it was accepted that recompense was taken for any damage caused to he considered that there was an opportunity revisit this.”*

39.5 **RESOLVED** – That, with the above changes, the Chair be authorised to sign the minutes of the meeting held on 16 November 2017 as a correct record.

**40 CHAIRS COMMUNICATIONS**

40.1 The Chair gave the following communications –

**Tourism update**

A briefing note has been tabled for all Members, and there are some spare copies in the public gallery, regarding the Economic Impact estimates of Tourism for Brighton & Hove 2016 which have just been released.

The Visitor Economy Strategy is currently in development. Stage One consultations have been undertaken comprising one to one telephone conversations with 14 national organisations and key representatives within the City, the purpose was to understand issues and opportunities and how Brighton & Hove is perceived. Stage two consultations are scheduled to take place towards the end of January, the purpose of these consultations is to test out early thinking and direction with selected representatives from key relevant sectors. Blue Sail the appointed consultants for the

Visitor Economy Strategy are working closely with Regeneris who are consulting on the overarching Economic Strategy and Hotel Solutions who are consulting on the Hotel Futures Study to ensure alignment across all strategies and studies. The draft Visitor Economy Strategy will be available for review in early February 2018.

VisitBrighton continues to work with over 528 City partners engaged in tourism, in the last 3 months VisitBrighton has:

- Played a key role in the Save Madeira Terrace Campaign – raising £464,000, exceeding the target of £430,000
- Hosted journalists which resulted in coverage most notably in Good Things Magazine, Olive Magazine, Sunday Times Ireland and The Metro
- Engaged with 57k followers on Twitter, 23k friend on Facebook and 9k followers on Instagram
- Handled 46 conference enquiries, confirming enquiries which will generate £4m on their arrival, most notably confirming:
  - British & Irish Orthoptic Society Annual Conference – June 2018 – 250 delegates
  - National NIV Nurses Association – June 2018 - 250 delegates
  - UK Serial Group Conference– arriving March 2020 – 900 delegates
  - UNISON Disabled Conference – Oct 2020 – 400 delegates
- Booked 1881 bed nights of accommodation for conference clients generating £14k commission

### **Material Practices: Painting and Printmaking at the University of Brighton**

- Hove Museum has been working with the University of Brighton to present an exhibition of a selection of the work of final year students on the Fine Art Painting and Fine Art Printing courses. The exhibition of work is of great benefit to the museum and to the university. It provides for the museum and its audiences an exciting display of contemporary work and for the students of the university it provides experience in selection, display, audience and the public world.
- The exhibition opened to a private view on 15th December where students, councillors and local business people were welcomed to the museum. Canapes were provided by the students of Portslade and Aldrington Community Academy, organised by Chris Mellet, the assistant headteacher at the school. The young people not only made the food but showed great skills of organisation and maturity as they took over the professional kitchen of the museum and circulated amongst the guests with the trays. The ingredients were supplied by the local co-op.
- The event was supported by local councillors, in particular Councillor Wealls, who facilitated the relationship with the university and with PACA, relationships that Hove Museum will now build on for future partnership working

### **Public Art Update**

A new piece of public art has been commissioned for the Huxley Building on the University's Moulsecoomb campus.

The Commissioning partners were Brighton Digital Festival, University of Brighton and Brighton & Hove City Council.

The Huxley Building houses the School of Pharmacy and Biomolecular Sciences, teaching pharmacy, chemistry, biology, biomedical science and ecology.

5 artists were shortlisted from an initial expression of interest from 32 artists.

The shortlisted artists were George King Architects, Matt Jakob / Nexus Studios, Luke Jerram, Paul Sermon & Charlotte Gould and Stanza.

Nexus Studios were the winners of the Commission. Installation should be completed by summer 2018.

This was funded by Section 106 monies from the University of Brighton for their new build the Science Faculty – Huxley Building.

### **Latest tourism figures show city's pulling power**

Total expenditure by visitors to Brighton & Hove is estimated to have been in the region of £885.9 million in 2016, an increase of 3.2% compared to 2015.

The data also shows the city had 9.6m day trippers, a 5.8% upturn on 2015, while the amount of money spent during their trip increased by 6.2% to £353 million.

The number of overnight stays in the city showed the biggest increase at 1.6m, just over 10% up on 2015. Domestic visitors were shown to be the group that had contributed most to this growth with almost 15% more overnight trips made by UK travellers compared with 2015 figures. The only figure to have dipped slightly is the number of overnight trips made by overseas visitors, which was down marginally, by 2.1%, though both the length and value of each trip has increased.

The statistics can be interpreted in a number of ways but generally these figures are a good indication of the tourism sector's overall performance and it's very encouraging to see that Brighton & Hove continues to be a popular visitor destination and is competing well at a regional and national level.

### **Other events**

I gave a speech at the November's Cultural Framework Summit: Your City/Your Culture/YOUR VOICE event, and was very pleased to see the hundreds of people who came along to participate in developing our Arts and Culture framework. In the evening a small gathering was hosted for delegates from Belgium and Finland.

On 29th November I attended the impressive Southeast Tourism awards event at the Hilton Metropole

Finally Nick Hibberd and I met with GTR to discuss fair deals from London to Brighton, following this issue being raised in committee by Cllr MacCafferty. There was agreement to look at ways of promoting Brighton as a visitor destination across London stations, and options about how to involve stakeholders in follow-up work around this is under discussion.

**41 CALL OVER**

41.1 The following items were reserved for discussion:

- Item 44 Planning Application Validation Requirement – Viability Assessment and Affordable Housing Statement
- Item 46 Major Projects Update
- Item 47 Fees & Charges 2018/19 – Sport & Leisure, Venues and Libraries.
- Item 48 Royal Pavilion Estate Capital Project Phase 2 Update
- Item 49 Royal Pavilion and Museums Trust Arrangements – Progress Update

41.2 The Democratic Services Officer confirmed that the following items had not been called and would therefore be agreed as per the recommendations set out in the report:

- Item 45 Brownfield Land Register

**42 PUBLIC INVOLVEMENT**

42.1 The Chair explained that one petition had been submitted regarding HMOs and invited Ms Fergusson-O'Toole to introduce her petition.

42.2 Ms Fergusson-O'Toole introduced and explained that she represented the residents of Bennett Road, Princes Terrace and Bristol Street, which had been an established family area for over 100 years. She explained that the local residents were concerned about the increase of student HMOs in the area and how this was impacting the community. The petition was requesting that an Article 4 Direction was introduced to the East Brighton ward to prevent the breakdown of family life and values. She noted that five wards had been awarded an Article 4 Direction in April 2013 as they were densely populated by HMOs. There were multiple properties in the area that provided accommodation for seven students, despite the Planning department refusing permission for the change of use. There was a shortage of family housing in the city and there were health care workers in the area that were in need of accommodation. The increase of HMOs had caused problems with parking, had impacted the local schools and were having a detrimental effect on the area.

42.3 The Chair thanked Ms Fergusson-O'Toole for her petition and gave the following response –

“Change of use from a single dwelling house to a small house in multiple occupation (HMO - six occupiers or less) is classed as permitted development under planning legislation. This means that the change can be undertaken without the need for planning permission. Local Planning Authorities can introduce an ‘Article 4 Direction’ which removes specified permitted development rights. This has been introduced in the five wards along Lewes Road in relation to change of use to small HMOs. This was identified in the Student Housing Strategy as being the area with the greatest

concentrations of shared houses. It should be noted that a change of use to large HMO (seven or more occupants) requires planning permission in all areas of the city.

Introducing an Article 4 Direction must be justified for both its purpose and extent. In order to consider an extension to the existing Direction, there would need to be considerable evidence to demonstrate that ongoing operation of permitted development rights would cause demonstrable harm within the area. Officers would need to collate this evidence and make a case.

In terms of the Bennett Road area, it is estimated that six of approximately 145 properties in Bennett Road, Bristol Street and Princes Terrace, are currently in use as HMOs. This represent less than 4 per cent. Given the need to demonstrate significant harm to justify an Article 4 Direction, it would appear that at the present time there are insufficient levels of concentration to warrant removal of permitted development rights within this area. However, the situation will be closely monitored.

This issue was considered in more detail in a report considered by this Committee on 21 September 2017.”

- 42.4 Councillor Mears requested an officer’s report regarding the increase of HMOs in the city. Councillor O’Quinn seconded the proposal and noted that it was a concern for Local Councillors as there were multiple non-registered HMOs in the city and this was changing the demographics in family areas.
- 42.5 **RESOLVED** – That the Committee agreed to have an update report regarding HMOs in Brighton & Hove.
- 42.6 The Chair explained that one petition had been referred from Council on 14 December 2017 in relation to 40% affordable homes.
- 42.7 The Chair read the following response –

“Adopted City Plan policy CP20 Affordable Housing seeks to secure 40% affordable housing on housing development proposals for 15+ units.

The policy does however recognise that development viability considerations may mean that, in some circumstances, the 40% target is not always achievable. There are examples where this has been the case with some of the city’s brownfield development sites. Where a developer cites viability as the reason why 40% cannot be achieved, then the council ensures that scheme viability is rigorously tested by an independent assessor (nb. the council uses the District Valuation Service for independent assessment).

A report to this committee today makes the case for greater transparency in development viability information. The recommendation asks that viability information is sought as part of the validation process for planning applications where the applicant states that policy requirements cannot be met for viability reasons.

The council is fully committed to the provision of affordable housing and this is evidenced through its work to get affordable homes delivered through S106 planning

application schemes and by direct provision through its New Homes for Neighbourhoods programme and through the Living Wage Joint Venture initiative recently agreed.”

42.8 **RESOLVED** – That the Committee noted the petition.

### 43 MEMBER INVOLVEMENT

43.1 The Chair noted that two written questions had been received from Councillors Nemeth and Mears and that these were listed on the agenda.

#### Planning Enforcement

43.2 Councillor Nemeth asked: “Will the Chairman provide the latest figures for open and pending planning enforcement cases for (a) November and (b) December?”

43.3 The Chair provided the following written response:

	<b>Open Cases</b>	<b>Unallocated Cases</b>
November 2017	790 cases	379 cases
December 2017	776 cases	388 cases

“The table above sets out the number of open and pending planning enforcement cases for November and December. To provide some context to these figures - the number of open cases stood at 807 in April 2017 and has since gone down to 776.

The number of unallocated cases is at 388 which remains higher than the Team would have liked. You can be assured, however, that a number of measures are being introduced in the next 6 months to address this.

In March the Enforcement Team will be reviewing and streamlining business processes which will improve the efficiency of the service. The Team is also preparing new Enforcement Policy, which is expected to be presented to TDC Committee in June following consultation with councillors. This will identify priorities for the Service. The additional Planning Officer in the Enforcement Team, in the last year, has contributed to supporting enforcement work on HMOs and improving the number of cases closed over the year.”

43.4 By way of a supplementary Councillor Nemeth asked how many people had been convicted of unauthorised works to listed buildings in recent years.

43.5 The Chair agreed to send a full response to the Committee.

#### The “Big Screen”

43.6 Councillor Mears asked: “Will the Chairman confirm that the agreed amended actions concerning the “Big Screen” from the last meeting of this committee have been actioned, and what progress has been made to date?”

43.7 The Chair provided the following written response: “Following approval at the last committee the Licence Particulars for the operation of a Screen on the Beach were

advertised with a closing date of 5pm on Tuesday 9th January 2018. The applications will now be evaluated and a briefing will be arranged with the lead councillors of each party on this committee upon the completion of the evaluation process.”

- 43.8 By way of a supplementary Councillor Mears noted concern that the recommendations in the previously approved report had been changed. The Executive Director of Economy Environment & Culture explained that there was a technical error in the report with “lease” and “tender”; however, the resolution remained correct. The previously agreed report was to seek permission to go to market with the opportunity and this had been completed by officers.

### **Notice of Motion**

- 43.9 The Chair noted that a Notice of Motion had been received from Councillor Nemeth and that this was listed on the agenda.
- 43.10 Councillor Nemeth introduced his Notice of Motion and noted that Brighton & Hove City Council should use renewable alternatives to plastic and stated “do it once, do it right”. He explained that the long term costs of non-plastics would be significantly lower and the maintenance would be easier. He stated that the majority of modern new build in other countries were predominately made in copper and were aesthetically pleasing and durable. The use of alternative materials would provide multiple opportunities for young people to learn new skills through college courses. He concluded by stating the use of alternatives would be economically and environmentally beneficial.
- 43.11 Councillor Mears formally seconded the Notice of Motion.
- 43.12 Councillor Druitt explained that he had campaigned against the use of plastics and would support the Notice of Motion.
- 43.13 Councillor Moonan explained that she supported the Notice of Motion and that the materials and quality of the new builds were carefully considered at the Housing & New Homes Committee. She noted that the costs of the alternative materials could impact on the rent; however, she agreed with building good quality council housing.
- 43.14 Councillor O’Quinn noted that she supported the Notice of Motion.
- 43.15 The Chair explained that he broadly supported the Notice of Motion; however, there was a demand of maintenance on traditional materials. He noted that if the Committee agreed to have an officer report then it would be helpful to have a table comparing different materials and their costs.
- 43.16 **RESOLVED** – That the Committee agreed to have an Officer report regarding the use of plastics on and within buildings in Brighton & Hove.

### **44 PLANNING APPLICATION VALIDATION REQUIREMENT - VIABILITY ASSESSMENT AND AFFORDABLE HOUSING STATEMENT**

- 44.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in the relation to the Planning Application Validation Requirement. The



Planning Manager and Principal Planning Officer highlighted that the report was to seek agreement for an un-redacted viability assessment to be provided as a validation requirement for planning applications that do not meet the necessary planning policy requirements or contributions on viability grounds.

- 44.2 Councillor Druitt formally proposed his amendment and explained that the amendment aimed to clarify that a fully un-redacted Viability Assessment would be published without exception. He noted that the report stated that in exceptional circumstances some viability information could remain confidential and he raised concern that this could set a precedent for other developers.
- 44.3 Councillor Mac Cafferty formally seconded the amendment and thanked the officers for the report. He explained that the policy needed to change to ensure affordable housing was being gained through developments. He noted that developers were claiming exceptional circumstances at the Planning Committee regarding affordable housing and the proposed Green Group amendment would ensure that a precedent was not set.
- 44.4 Councillor Cattell thanked the officers and noted the thorough research that had been completed. She explained that she was proud that Brighton & Hove were to be the first authority outside of London to publish viability assessments. She suggested that a progress report was presented to the Tourism, Development & Culture Committee in six months regarding how many exceptional cases were submitted. The Senior Solicitor noted that if a developer requested that applied for the information to be redacted the officers would judge each case application on its own merits.
- 44.5 Councillor Moonan noted that she was a Member of the Planning Committee and welcomed the proposal as it was often debated at length. In response to the queries raised by Councillor Moonan the Principal Planning Officer clarified that they were expecting the exceptions to be unusual; however, the applicant would have an option to submit a redacted Viability Assessment with a statement explained why the information needed to be confidential. If the Council permitted the information to be redacted the statement would be published on the website. The Planning Manager added that a planning application would be invalid until either an un-redacted Viability Assessment was submitted or a submitted redacted Viability Assessment had been permitted by the Council.
- 44.6 Councillor Allen praised the officers and noted that the proposal would help gain 40% affordable housing on larger developments. He explained that the Green Group amendment was not necessary as the recommendations already stated that Viability Assessments would be submitted un-redacted.
- 44.7 Councillor Mears explained that she welcomed the proposal and the transparency would be positive for the public members. She noted that Councillor Cattell had proposed an update report in six months; however, this would be too early and proposed a report in 12 months.
- 44.8 In response to Councillor Nemeth the Principal Planning Officer explained the Viability Assessment submitted by the applicant would be assessed by the District Valuer Service (DVS) who would focus on the worth of the land at the time of the applied permission. The report from the DVS would also be published.

- 44.9 Councillor Druitt noted that the Green Group amendment offered clarity to the recommendations as they were conflicting with the officer's report. He explained that the proposed recommendations did not allow for redacted Viability Assessments to be submitted; however, the report stated that they could in exceptional circumstances.
- 44.10 The Chair then put the Green Group amendment to the vote. This was **not carried** with 2 votes in support and 8 votes against.
- 44.11 Councillor Mears formally proposed an update report to the Tourism, Development & Culture Committee in 12 months which was seconded by Councillor Nemeth.
- 44.12 **RESOLVED** – That the Committee agreed the proposal.
- 44.13 The Chair put the recommendations to the vote and these were **carried** unanimously.
- 44.14 **RESOLVED** – That the Committee agrees to the following additional planning application validation requirements which will be published on the public planning register:
- An un-redacted Viability Assessment for schemes that do not include the necessary planning policy requirements or contributions which is being justified on viability grounds.
  - An Affordable Housing Statement to be provided for policy compliant residential schemes.

#### 45 BROWNFIELD LAND REGISTER

##### 45.1 RESOLVED –

- 1) That the Committee noted the new requirement for Local Planning Authorities to produce, publish and maintain a Brownfield Land Register.
- 2) That the Committee agreed and endorsed the publication of Part 1 of the Brownfield Land Register.

#### 46 MAJOR PROJECTS UPDATE

- 46.1 **RESOLVED** – That the Committee noted the report.

#### 47 FEES & CHARGES 2018/2019 - SPORT AND LEISURE, VENUES AND LIBRARIES

- 47.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in relation to Fees & Charges 2017/18. The combined report presented the review of fees and charges across five service areas: Seafront, Sports Facilities (including golf courses), Venues (The Brighton Centre), Outdoor Events and Libraries. The changes would be implemented from April 2017 unless otherwise stated.
- 47.2 Councillor Nemeth formally proposed his amendment and explained that the beach hut transfer fees were to be increased by 1378% which was exploitative and there was no

explicit basis in the Corporate Policy for profit making in relation to cost recovery. He felt it was unnecessary to include the comparison to the local authorities' charges and these did not need to be aligned. He added that the additional charges could reflect the maintenance on the beach huts. The Conservative Group amendment requested that the increase was paid in equal instalments over three years.

- 47.3 Councillor Mears formally seconded the amendment and explained that the beach huts were intended for local residents and not the elite; however, the proposed amendment would ensure the increased charges would not affect the families who own a beach hut.
- 47.4 In response to Councillor Mears the Head of Sport & Leisure clarified that the concrete chalets in the Saltdean area were rented from the council and the charges would not affect these. The wooden beach huts in Brighton & Hove were privately owned and there was not a waiting list on these. The Chair added that the beach huts were sold commercially and the fee would only be sold once the beach hut was resold and was not an ongoing cost.
- 47.5 Councillor Moonan noted that the current price for a beach hut was £16,000 - £22,000 and were, therefore, not available to everyone in the city and were for the elite. She added that the current owners of the beach hut would gain additional money from selling.
- 47.6 In response to Councillor Mac Cafferty the Sports Facilities Manager explained that the leisure card would retain a maximum of 40% discount and the prices were to be kept in line with the standard rate. Councillor Mac Cafferty suggested freezing the prices of the leisure card as they encouraged vulnerable people in the city to engage in sport and activities. The Head of Sport & Leisure agreed to suggest this to Freedom Leisure.
- 47.7 In response to Councillor Druitt it was noted that the charge for ordering books was increased from £3.50 to £7 in 2017 and the figures had remained steady and were not impacted by the fees.
- 47.8 Councillor Druitt explained that it was logical to align the fees of the beach huts with the neighbouring authorities and the proposal was fair in comparison. He noted that he wanted the beach huts to be available to local residents, regardless of their wealth; however, there were more important services that needed to be funded within the council. He further explained that the fees and charges should be fully discussed and agreed at Budget Council on 22 February 2018; therefore, he would abstain from the vote.
- 47.9 Councillor Allen agreed with Councillor Druitt regarding the services that needed to be funded within the council. He was pleased that the Brighton Centre would continue to provide favourable rates to the Brighton & Hove Schools Concert.
- 47.10 Councillor Nemeth explained that the increase in the transfer fee would make current owners less likely to sell them and they could, therefore, be left in a bad condition. He added that the proposed Conservative Group amendment did not conflict with what was said in the debate by the other Members.

47.11 The Chair then put the Conservative Group amendment to the vote. This was **not carried** with 3 votes in support and 7 votes against.

47.12 The Chair put the recommendations to the vote and these were **carried** with 8 votes for and 2 abstentions.

47.13 **RESOLVED –**

- 1) That the committee approves the fees and charges for the Seafront for 2018/19 in Appendix 1.
- 2) That the committee notes the fees and charges for the Sports Facilities for 2018/19 in Appendix 2a.
- 3) That the committee approves the fees and charges for the Golf Courses for 2018/19 in Appendix 2b.
- 4) That the committee approves the fees and charges for the Brighton Centre for 2018/19 in Appendix 3.
- 5) That the committee approves the fees and charges for Outdoor Events for 2018/19 in Appendix 4.
- 6) That the committee approves the fees and charges for Libraries for 2018/19 in Appendix 5.
- 7) That the committee grants delegated authority for officers nominated by the Executive Director to negotiate hire fees where commercially necessary outside the approved fees & charges.

#### **48 ROYAL PAVILION ESTATE CAPITAL PROJECT PHASE 2 UPDATE**

48.1 The Committee considered a report of the Executive Director for Economy, Environment & Culture in the relation to the Royal Pavilion Estate Capital Project Phase 2. The report updated the Committee on the progress made on the project and described the planned Phase 2 works and accompanying funding strategy.

48.2 In response to Councillor Nemeth the City Regeneration Programme Manager explained that the council were in regular contact with the Pavilion Gardens Café and the Chair had consulted with the owner twice. The Executive Director for Economy, Environment & Culture added that any groups could request further engagement from officers.

48.3 Councillor Allen explained that he agreed with Councillor Nemeth regarding the consultation with the café owner and raised concerns regarding the access to the Royal Pavilion Gardens for the café owner in the morning. The Executive Director for Economy, Environment & Culture explained that the council had an obligation in the lease to ensure the café owner would have access and be able to operate. He noted that a written confirmation could be provided to the Committee outlining the café owner's rights if it was of interest.

- 48.4 Councillor Mears welcomed the written confirmation and explained that there were previous proposals to alter the Royal Pavilion Gardens, including the removal of the café. She explained that the café had been in the gardens for many years and it was a concern that it would be removed in the near future. The Chair confirmed that officers were ensuring the café was retained and would be a viable business and that as Chair, he would ensure the café was prevented from ever being shut. The Executive Director for Economy, Environment & Culture noted that the lease with the café had been extended and was protected during this time.
- 48.5 Councillor Druitt explained that it was important to allow the café time and space to set up before operating. He noted concern for when there was a ticketed event in the Royal Pavilion Gardens as the café could be impacted by this. He suggested that the café should be involved in the events and as it would be an opportunity for the café. It was explained to Councillor Druitt that the officers were committed to engaging with the café regarding ticketed events and under the terms on the lease it stated that the council needed to give the café owner access to operate its business.
- 48.6 In response to Councillor Mac Cafferty the City Regeneration Programme Manager confirmed that the findings that were discovered during the renovation of the Brighton Dome Corn Exchange were photographed and recorded. A well and soakaways were found on site and were recorded in the archaeology report, which would be signed off by the County Archaeologist when the renovation was completed. The records would be a public document and would be available online and on the planning register.
- 48.7 The Chair put the recommendations to the vote and these were **carried** unanimously.
- 48.8 **RESOLVED –**
- 1) That the Committee notes the progress made to date on the Royal Pavilion Estate capital project and the works taking place at Brighton Dome to complete Phase 1 outlined in paragraph 3.6.
  - 2) That the Committee notes the recommendations agreed by Policy, Resources & Growth Committee on 30 November 2017 described in paragraph 3.1.

#### **49 UPDATE ON ROYAL PAVILION AND MUSEUMS TRUST ARRANGEMENTS**

- 49.1 Councillor Robins vacated the Chair during consideration of this application and Councillor Cattell, the Deputy Chair, took the Chair.
- 49.2 The Committee considered a report of the Executive Director for Economy, Environment & Culture in the relation to the Royal Pavilion and Museums Trust Arrangements. The report updated the Committee on the proposal to move the direct governance of the Royal Pavilion and Museums (RPM) from the City Council to a charitable entity.
- 49.3 Councillor Nemeth explained that the group was satisfied with the labour amendment and would formally withdraw the Conservative amendment.
- 49.4 Councillor Robins formally proposed his amendment and explained that the amendment sought for a three month extension until 1 July 2018 to account for meaningful

engagement and consultation with the affected staff and the unions. He explained that he had met with the staff at the Royal Pavilion three times and it was clear that they were passionate about their jobs but it was also their livelihood. He added that the amendment sought for an update report regarding the consultation to be presented at the Tourism, Development & Culture Committee on 8 March 2018. Councillor Cattell then formally seconded the amendment.

- 49.5 Councillor Druitt explained that he welcomed the Labour Group amendment but had concerns that the engagement had not yet been effective as a petition had been presented, to Members of the Committee, which had been signed by over 90% of the Royal Pavilion & Museum staff. He added that he supported the report; however, it needed to be acknowledged that an alternative plan might be needed if the staff concerns could not be resolved. The Executive Director for Economy, Environment & Culture explained that he had acknowledged the staffs concerns and apologised to the staff that the consultation had not been successful. He explained that if the Labour Group amendment was agreed he would visit the individual teams and ensure that the concerns raised were addressed. He added that a consultation timetable was being produced and he would ensure the engagement was effective and meaningful.
- 49.6 Councillor Mears noted that she welcomed the Labour amendment; however, she had concerns regarding the management of disposals once moving to a Trust. In response to the concerns raised by Councillor Mears the Arts & Culture Programme Director explained that there was an extensive range of artefacts in storage at the Brighton Museum and the majority of disposals were exchanged with other museums to extend the collection. It was added that a small proportion of artefacts had been sold but this had been to professionally manage the collection and the money made was reinvested into the collections. Councillor Mears requested a section regarding disposals in the update report in March if the Labour Group amendment was agreed.
- 49.7 Councillor Allen agreed with Councillors Mears and Druitt and noted that the petition would not have been received if the consultation had been effective. He explained that he fully supported the Labour Group amendment and if it was to be agreed it would allow officers to fully consult the staff. He added that if the response to the Trust was still negative then he would support a further delay.
- 49.8 In response to Councillor Allen the Executive Director for Economy, Environment & Culture explained that Preston Manor, Hove Museum and the Booth Museum were to be managed by the Trust and they could not be closed without agreement from Brighton & Hove City Council. It was also clarified that the Members on the Shadow Trust Board had not been excluded from meetings and held the same representation as the directors.
- 49.9 In response to Councillor O'Quinn the Executive Director for Economy, Environment & Culture explained that the officers were recommending a single stage trust and the Labour Group amendment would allow additional time for officers to consult fully with the staff regarding this. A single stage process would give the best opportunity for success in establishing the ongoing resilience and sustainability of the Royal Pavilion & Museums and would provide a level of oversight and control in areas such as the management of collections and maintenance. The Trust could be established in two stages; however, it was not recommended by officers.

- 49.10 Councillor Robins explained that the officers were recommending a single stage process; however, after the engagement with staff, if it was necessary, the process could be changed to two stages. He noted that he had spoken to the staff and appreciated the feedback they had given and wanted to ensure full, meaningful consultation was accomplished.
- 49.11 Councillor Druitt noted that he supported the three month extension; however, the administration should take full responsibility for the lack of consultation with the affected staff.
- 49.12 Councillor Mears stated that she understood the concerns raised by Councillor Druitt; however, she was reassured as Councillor Robins had committed to ensure meaningful engagement was completed with the staff. She thanked Councillor Robins and noted that the discussion, proposed amendment and decision should be referred to the Policy, Resources & Growth Committee.
- 49.13 Councillor Robins explained to the Committee that he had consulted with staff members individually, had meetings with officers and taken responsibility for the lack of engagement. The Executive Director for Economy, Environment & Culture added that as the director he was the accountable officer and took full responsibility and would ensure the problems were addressed. He confirmed that the Policy, Resources & Growth Committee report would reflect the outcome and decision of the Committee and an extract of the minutes would be provided.
- 49.14 The Chair then put the Labour Group amendment to the vote. This was **carried** unanimously.
- 49.15 The Chair put the recommendations to the vote and these were **carried** unanimously.
- 49.16 **RESOLVED:** That the Tourism Development & Culture Committee –
- 1) Notes the report and associated information.
  - 2) Recommends that the 25th January 2018 Policy, Resources & Growth committee:
    - (i) agrees the proposal to move the management of the service to a single trust in one stage rather than two stages, but subject to a delay in the proposed timetable of a further 3 months to 01<sup>st</sup> July 2018 to take into account concerns raise by staff and allow for further engagement with staff and unions, including engagement with Brighton Dome & Festival staff and management, and for a clear programme of this further staff engagement to be communicated in writing
    - (ii) agrees the proposal to proceed by way of a contract, rather than a grant.
  - 3) requests an update to this committee in March on the progress in establishing the Trust and engagement with staff and unions
  - 4) Notes that 25 January 2018 Policy, Resources & Growth Committee will consider the final terms of the transaction, the governance arrangements for the Trust, and the

provisions for monitoring the service contract between the City Council and the Trust as set out in the report.

**50 ITEMS REFERRED FOR FULL COUNCIL**

50.1 There were no items referred to Council.

The meeting concluded at 5.05pm

Signed

Chair

Dated this      day of