

**WRITTEN QUESTIONS FROM COUNCILLORS**

The following questions have been received from Councillors and will be taken as read along with the written answer as detailed below:

**(1) Councillor Platts:**

Will the Council consider improving the facilities, interior and area around Damson Block, Bowring Way on the Bristol Estate in East Brighton Ward?

This block needs some basic decoration internally and the public areas need to be upgraded. Lockdown has highlighted a poor internet connection to some parts of the block which is not strong enough to stream or pick up Freeview television as well as making it difficult for households to work from home or access Council services online. There is no TV aerial because that was removed. Residents would like to have fibre optic cable brought into the block.

The area around Damson block also needs serious attention. Cars and vans are frequently parked illegally and contractors' vehicles have been parked on the grassed areas over many months now. This has churned up the grass making it muddy and unattractive. This area is the residents garden and it is not acceptable for contractors to keep claiming the Council has allowed them to park there. Internally, the bin and storage areas have been reported several times recently for overflowing rubbish and drug taking. The residents of this block want the Council to take some action on improvements; to stop illegal parking and to have a named housing officer responsible for each block so that actions needed can be noted and tracked.

**Reply from Councillor Gibson, Joint Chair of the Housing Committee**

Thank you for your questions on this block. I am sorry to hear of the concerns raised around Damson.

Damson is not currently programmed for any planned internal decorations. However, our surveyors will visit the block and review the condition and identify any repairs that need to be carried out in the short term.

I'm sorry to hear about the issues with parking. Our Car Parks & Garages team have now begun enforcement in front of Damson to address this. We are also reviewing whether further enforcement is needed in addition to this. We will be reseeding any grassed areas that contractors are using for parking associated with current work on the estate.

The block does have an up to date aerial system that is available for residents to receive both television and broadband services. Following your question I have asked officers to check the system is operating correctly. We don't have any issues currently listed with the operation of the system. If there are any problems residents can contact our Housing Repairs Help Desk and a repair will be raised to our aerial contractor.

I am sorry to hear about the issues with anti-social behaviour in the block. Our officers will look into this and review what actions we can take to address any issues arising.

Residents who do have any concerns with the block can access Housing support through either the Housing Customer Services team or the Housing Repairs Help Desk. Both services are operating and are the quickest way for residents to report any issues. We have found that this approach offers a more responsive and comprehensive way of dealing with issues that may arise than a named housing officer being responsible for each block. In particular, should that officer not be available or move on as often happens.

**(2) Councillor Platts:**

Parking at Black Rock and on Madeira Drive - Can the Council confirm the amount of car parking spaces in Black Rock car park; to what extent these spaces have been under-used since the re-opening of Madeira Drive for car parking and the amount of parking on Madeira Drive itself?

Can you list separately the amount of revenue generated by use of on street parking in Madeira Drive and the Black Rock car park for the same period plus the parking charges per hour?

**Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee**

There are 61 spaces in the Black Rock Car Park and although this is underused since mid-October 2020 when Madeira Drive reopened this is consistent, seasonal behaviour.

Since reopening Madeira Drive currently has approximately 230 paid parking spaces which was reduced from 300 paid spaces following the introduction of the cycle lane on the south side. The parking on the north side is currently being reviewed as phase two of the reopening.

Income from Black Rock Car Park is £3,528 from 1,445 transactions since 18th October to the end of the first week of December while Madeira Drive is £57,175 income from 12,203 transactions. The parking charges are outlined in the Parking Annual report 19/20 which can be found on the Council website. It's a very useful read. Changes made for this financial year and implemented in April / May 2020 were outlined at Budget Council in February 2020 and can be found in the Committee papers.

**(3) Councillor Allcock:**

Labour was pleased to work cross party with the Greens to include School Streets as part of the Emergency Traffic Measures introduced during the Covid pandemic and we welcome the Administrations continuation of this scheme. The Council has said that the scheme will be reviewed after six months and that the impact of the measures will be monitored. Please can you provide details on:

- What form the review will take and what factors will be used to assess future viability;
- What plans are in place to move to a more permanent School Street arrangement at the schools where the scheme is judged to be successful; and
- How the schools involved and the fantastic School Street volunteers who work in all weathers are being updated on progress.

**Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee**

Through the Emergency School Streets Programme, nine closures have been implemented outside the city's schools since September, with the fantastic support and goodwill of parents, carers and community volunteers. Of those nine schools, four are currently continuing, having secured enough regular volunteers to operate a closure with limited council support.

The wider project was paused at the October half term so that we could assess the trial closures and look at how to deliver School Streets closures over the long term. To date, Experimental Traffic Regulation Orders have been used to close roads during the school run and physical barriers have supported enforcement of the closure. This has meant that volunteers have been required to put in place and then marshal barriers at school closures during drop off and pick up times.

While we are extremely grateful to the local community for volunteering their time to support these closures, we recognise that for School Streets to be sustainable in the long term, we also need to look at where physical measures could work. Plans are already underway for physical measures to be implemented at Brunswick Primary, Downs Junior and St Luke's Primary schools by the end of March 2021.

We know that there is demand across the city for School Streets closures and are committed to delivering it to as many schools as possible. Officers are now looking at how closures can be implemented using physical measures, with the support of volunteers, as part of a future programme. Assessment criteria for School Streets is already in place and this would be used in any future programme to assess the viability of closures.

We will make sure that any changes to the way School Streets is being implemented is communicated to schools and to volunteers at the appropriate time.

**(4) Councillor Fishleigh:**

**E-Scooters on the Undercliff between The Marina and Saltdean**

Please will the council erect large signs at all five access points onto the undercliff as well as by the three cafes on the seafront so that everyone knows that it is against the law to ride e-scooters down there.

There are two access points in Saltdean, one in Rottingdean, one in Roedean and one at the marina.

**Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee**

Scooters are still illegal in the UK on the public highway except on private land or in licensed trials where Local authorities are working with hire operators. BHCC is not taking part in these because of their potential for misuse in areas where they are prohibited as well as concerns around safety, access, street clutter and sustainability. Misuse of e-scooters by private owners is a matter for Sussex Police who will prioritise enforcement according to available resources as they see fit.

As you will be aware, the Council introduced additional signing along the Undercliff two years ago following requests from ward members, and any additional signing would be counterproductive and increase clutter to what is a very scenic environment. Further sign clutter won't resolve the issue of the illegal use of scooters.

**(5) Councillor Fishleigh:  
Cityclean Service over Christmas and New Year.**

What measures have been put in place to ensure that both communal and household recycling and general waste bins will be emptied on a regular basis over Christmas and New Year and that we will not see a repeat of the overflowing bins and non-collections experienced last December, January and February?

**Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee**

Changes have been made to collection dates this year to account for collections affected by Christmas Day, Boxing Day and New Year's Day.

These changes were published in Argus Christmas TV Guide at the weekend. A news release detailing these changes will be published shortly and will be available on the council website. It has been published in Homing In and will be shared on social media platforms.

Arrangements will be made to empty on-street bins on Christmas Eve to provide capacity for the festive period.

We encourage residents to manage their waste responsibly and minimise the additional waste produced by thinking about their purchasing.

If a resident has too much waste to fit in their bin, they can take it to a recycling point (if it's recyclable), take it to one of the Household Waste Recycling Sites, or hang on to it until their next collection.

Fly-tipping of waste is illegal, and anyone caught will be issued with a Fixed Penalty Notice.

**(6) Councillor Fishleigh:  
Additional Communal Recycling and General Waste Bins**

Please can we have extra communal general waste and recycling bins in the following areas in Rottingdean Coastal over Christmas and New Year?

These are areas with hundreds of flats and fewer car users: Sussex Square, The Arundels, Rottingdean recycling point, Saltdean recycling points x 2.

**Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee**

I appreciate more waste is generated at Christmas.

However, we cannot provide additional bins as it is not possible to provide extra bins to all areas of the city – extra staff, vehicles and bins will be required.

As I have already mentioned, people need to manage their waste responsibly and minimise the additional waste produced by thinking about their purchasing.

If a resident has too much waste to fit in their bin, they can take it to a recycling point (if it's recyclable), take it to one of the Household Waste Recycling Sites, or hang on to it until their next collection.

Fly-tipping of waste is illegal, and anyone caught will be issued with a Fixed Penalty Notice.

**(7) Councillor Barnett:  
Benfield Valley**

Brighton & Hove City Council's Property Team, after extensive research, has advised the following:

*That there is nothing to suggest from the property register that the lease dated 27/10/92 made between Hove Borough Council & Sainsbury Plc has been varied or that a sublease for 7 years or more has been granted (there is no requirement to register a lease for 7 years or less at the land registry).*

The 1992 lease includes the following provisions of note:

**(13) COVENANT TO KEEP VACANT LAND IN PROPER ORDER**

To keep the land not occupied by buildings in a clean well cultivated and proper condition so far as is appropriate to the actual use of the Premises and so as not to cause injury to the environment of the area or any adjoining land and to forthwith comply at its own expense with any notice of a relevant authority whether served on the Tenant or the Landlord reasonably requiring the abatement of any such injury.

**(14) TO PRESERVE TREES ETC**

To keep trees shrubs and hedging on the Premises in good order and condition so far as reasonably possible and properly tended cultivated in accordance with

the principles of good husbandry and pruned or trimmed and to replace all losses PROVIDED that so to do shall not interfere unreasonably with the use of the Premises for outdoor recreational and leisure purposes AND PROVIDED FURTHER that the same quantities of trees shrubs and hedging as at the date hereof shall be maintained hereafter and any revised layout thereof shall (before removal of the existing trees and shrubs and hedging) first be agreed with the Landlord which shall act reasonably in reaching such agreement with the Tenant

(16) NOT TO MAKE ALTERATIONS OR ADDITIONS

Not to erect any new or additional buildings on the Premises or any part thereof or make any alteration or addition whatsoever to the exterior of the buildings without the Landlord's written consent (such consent not to be unreasonably withheld or delayed) PROVIDED that it shall be unreasonable for the Landlord to withhold consent with regard to any application for consent to build or to make alterations or additions to buildings used for or ancillary to a use permitted by Clause 3(8) hereof.

(18) NOT TO ASSIGN ETC WITHOUT CONSULTATION/CONSENT AND ASSIGNMENT ETC TO A COMPANY

The Tenant covenants with the Landlord not to share possession or occupation or grant licence to use or grant third party rights over the Premises or any part or parts thereof

According to the official copy of register of title (Land Registry) the following information relating to the current tenants Benfield Investments Limited regarding the title absolute:

- (27/09/2004) PROPRIETOR: BENFIELD INVESTMENTS LIMITED (Co. Regn. No. 5121561) of 73 Church Road, Hove E Sussex BN3 2BB.
- RESTRICTION: Except under an order of the registrar no disposition of the land edged blue on the filed plan or any part thereof made before **12 May 2080** is to be registered without the consent of Capital and Regional Estates Limited or their successors in title in accordance with clauses 7.1 and 7.2 of the Transfer dated 12 May 2000 referred to in the Charges Register.
- The price stated to have been paid on 10 September 2004 was £625,000 According to an Option Agreement lodged with the Land Registry dated 25/07/2016:
- Benfield Investments Limited signed an Option Agreement with Futureform Global Investments Limited offering the land for development of **814 dwellings** with a purchase price of **£25,236,750**

Given the information above, including the confirmation that the 1992 lease is still in effect, I have the following questions:

1. Has the Tenant Benfield Investments Limited broken section 3 clause 14 of the lease above by clearing a large area of land, as reported by the Argus on 5 April 2017? <https://www.theargus.co.uk/news/15203948.amp/>

2. Has the Tenant Benfield Investments Limited broken section 3 clause 16 of the lease by signing an option agreement with Futureform Global Investments in 2016?
3. Has the Tenant Benfield Investments broken section 3 clause 18 of the lease by subletting the land to Brighton Footgolf?

**Reply from Councillor Mac Cafferty, Leader of the Council**

The works undertaken in 2017 were at the request of the council to ensure that the demised area was maintained and well cultivated in accordance with the provisions of the lease. The works were discussed in advance with council officers with regard to the lease and also council planning officers to ensure compliance with planning requirements. The tenant did not breach the lease when undertaking these works.

With reference to clause 18(b) an option to purchase would be a third party right, however, the option agreement [a copy of which is attached for your records, please refer to clause 10] does make clear that any sale/assignment of the lease, which is what the option guaranteed, would be subject to the prior consent of the Landlord. The landlord in this context is the council. Therefore, we do not consider that the courts would consider this to be a material breach of the lease as the developer was aware that the council would need to give final consent to enable the option to be effective. In addition, the option to purchase has expired. Had the developer wished to proceed with the option, they would have needed to do so by 1<sup>st</sup> January 2020, which was the long stop date for the agreement [see clause 4.5].

There has been no subletting and therefore no breach of the lease. Brighton Footgolf are contracted run the operation on behalf of Benfield Investments. There has been no passing of responsibilities to Brighton Footgolf – all responsibilities and rights remain with Benfield Investments.

**(8) Councillor Barnett:  
Benfield Valley**

At the last council meeting I asked you the following oral question:  
I refer to the council land comprising Benfield Valley Golf Course that I understand is currently on a long-lease.

Residents in my ward have since 2006 had to fight against proposal after proposal for housing developments on this land.

I recently met with one of the leaseholders who said he would be happy to enter negotiations with the council to discuss the council potentially buying back the long-lease.

Will the Leader of this Green Council consider buying back the long-lease and making the land part of the South Downs National Park to end these perpetual battles and protect it for ever from development for the benefit of our City.

Thank you.

In your response you said you would investigate the matter and write back to me. I have not yet received the response promised.

Please could you write back to me so that I can advise residents in my ward?  
Please can we have extra communal general waste and recycling bins in the following areas in Rottingdean Coastal over Christmas and New Year?

These are areas with hundreds of flats and fewer car users: Sussex Square, The Arundels, Rottingdean recycling point, Saltdean recycling points x 2.

**Reply from Councillor Mac Cafferty, Leader of the Council**

Following the question above Council officers contacted the long lessees to establish whether they were willing to enter into discussions on the surrender of the lease.

My apologies for the delay in providing a response, the long lessee has only recently responded. The long lessee is committed to retaining their interest in the site in the short term and therefore discussions with the council regarding the surrender of whole or part will not be progressed at this stage.

**(9) Councillor Simson:  
South Down Riding School**

Please can I have the information asked of the Chief Executive of the Council on the 8th October with a reminder sent on the 19th October? Has Southdown Riding School, at the top of Bear Road, been informed by the council, as the landlord, that they have to vacate the premises next year and is this with the intention of building on the land as one of the urban fringe sites that residents are fighting so hard to stop the development of in City Plan part 2?

**Reply from Councillor Mac Cafferty, Leader of the Council**

Our agents Savills have held discussions and onsite meetings with the tenant of South Downs Riding School following a complaint about the premises being used for and as an illegal waste transfer station. The expiry date of the lease is 29<sup>th</sup> September 2021 and given the ongoing review of land use management policy and the need to incorporate changes an early indication was given to the tenant that the council might seek to terminate the lease, albeit formal notice has not yet been served. No consideration has been given to the future use of the site beyond tidying up the yard and allowing regeneration of the land. Any longer-term options will be presented to the Asset Management Board and/or any future advisory panel borne out of the council's Whole Estate Plan.

**(10) Councillor Simson:  
Empty Council Houses**

Please can you tell me how many empty council homes there are in the city currently, how long the longest one has been empty for, and why the Council is ripping out perfectly good fittings from vacated homes at enormous expense when it was agreed several years ago this wasn't going to be done anymore?

## **Reply from Councillor Gibson, Joint Chair of the Housing Committee**

As of 9 December, there are currently 254 empty council homes, 95 of these need major work, and 72 have been advertised on Homemove. The longest empty property has been vacant since 01/03/20.

I would be concerned if we were ripping out perfectly good fittings at enormous expense and would welcome more information on situations where it has been reported that this has happened so I can look into this in more detail.

There are some circumstances where we may take out fittings.

Fittings may be removed from an empty property where they are non-standard and will have significant implications for future maintenance. This can include where a tenant has carried out work themselves, for example non-compliant doors, or where we can't maintain or ensure health & safety standards are have been met, for example decking or fitted appliances.

Going forward, as part of achieving our commitment to net zero carbon by 2030 we will re-examine the balance between repairs and replacement while of course adhering to the council's Decent Homes Standard.

### **(11) Councillor Mears: Update on Re[airs & Maintenance to Council Housing Stock**

Following on from a report - *Update on Repairs & Maintenance to Council Housing Stock* - that went to the Housing Committee on the 16th September 2020, why was the internal Audit report presented to Audit and Standards committee on the 27th November 2020 never been shown to the Housing Committee on the 16th September or the 18th November committee meeting?

The Housing Committee has Delegated Powers under the Council's Constitution. Therefore, this also raises a number of other questions:

1. After spending £9.3m the procurement reports states that Service Management has identified that it requires additional resources to deliver a full service. How much extra is needed, and when will this be reported to Housing committee as this is paid from the HRA Budget?
2. The conclusion in the October 2020 report states that only Partial Assurance can be given on the operation of the new service and related systems. When will Full Assurance be given for the service?
3. Audit found that the service has not yet contracted with enough subcontractors to meet the needs of the service. When will this be put in place?
4. The internal Audit report includes eight high priority actions for improvement, which have been agreed with management. Please give details of all eight actions needed.

Please give details of the medium priority actions needed for improvement with the service.

## **Reply from Councillor Hugh-Hugh-Jones, Joint Chair of the Housing Committee**

A summary of each audit report undertaken is reported to Audit and Standards Committee as soon as it is practical to do so. Reports do not routinely go to other committees, but this does happen in some cases. The report considered at Audit & Standards committee on 27 November is available on the council website. We will also circulate the link to this report to all Housing Committee members. A report updating Housing Committee on the Housing Repairs & Maintenance service, including an update on the Internal Audit will be presented to our next Housing Committee in January.

In terms of response to your specific questions:

1. Any additional resources needed for the service over and above the current budget for 2020/21 will be included within the HRA budget report going to January's Housing Committee.
2. A follow-up audit will be included in the 2021/22 Internal Audit Plan. This audit will follow-up on the findings and the agreed actions reported in the audit report dated October 2020. It will also consider any changes in the service and emerging risks in the intervening period. Following the audit a revised audit opinion will be given which will be one of the four opinions agreed with the Audit & Standards and Committee. These are "Substantial", "Reasonable", "Partial" and "Minimal" "Assurance. Until the completion of this piece of work it is not practical for the Internal Audit Service to provide a revised audit opinion. In the meantime, I would just like to point out that if your colleagues on Audit & Standards had had any concerns about this, they did have the option of requesting housing management officers attend a future meeting of Audit & Standards.
3. We have continued to directly engage contractors where required over the course of this year. We will be commencing further work for our contractor supply chain for Repairs & Maintenance early in 2021 ahead of the current arrangements ending in 2022.
4. and 5. We will provide these details to Housing Committee in the January update report.

### **(12) Councillor McNair: Mobile Phone Masts**

Through what mechanism, for example a supplementary planning document, could 5G mast developers with prior approval be required to provide suitable camouflaging of cabinets and base stations, and would you support the implementation of such a mechanism?

**Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee**

Masts, cabinets and base stations are often 'permitted development' – this means they don't require prior approval or a planning application. Where, the installation of a mobile phone mast still requires prior approval – the decision needs to be made within 56 days and only 'siting and appearance of the development' can be considered as part of making the decision.

The council therefore has limited control this type of development. Given this, and the Government's published intention to extend permitted development to allow 5G Masts and equipment without even prior approval, the request to prepare Supplementary Planning Guidance can't be supported. It couldn't be used by officers and it wouldn't be a good use of officer time.

**(13) Councillor Theobald:  
Patcham Roundabout**

The Patcham roundabout (London Road) is the gateway to the City for many visitors and residents of the City.

The roundabout is in a very poor condition and has been for many years now. It is not a good advert for our City and disappointing for residents who want to see our city kept well presented.

Patcham Councillors were promised that work would start this year on landscaping the roundabout to improve the visual amenity of this entry point to the City.

This hasn't happened to date.

Please provide an update on the status of this work.

**Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee**

Work is in progress to reach an agreement between Highways England, the council and a contractor for these works to go ahead. The roundabout is owned by Highways England and therefore a 3-way contractual arrangement is required which is agreed by all parties. Negotiations and due diligence and progressing and we hope this will be finalised shortly so that works can start in the New Year.

