

Brighton & Hove City Council

Council

Agenda Item 43

Subject: Written questions from Councillors

Date of meeting: 19 October 2023

Report of: Executive Director for Governance, People & Resources

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Ward(s) affected: All

For general release

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

1. Councillor McNair

Tennis Courts

It has been good to see some tennis courts renovated by Lawn Tennis Association and the UK Government. We understand the importance of a centralised booking system to help with collecting fees to maintain the courts. But with the new pricing structure, it could cost £15.40 for a parent and their child to play tennis for an hour. If it's before 5 on a weekday it would cost £12.70. This is very expensive, and unlikely to help enable children to become future tennis players. Will the council consider providing free slots for juniors across the city, for example Monday to Friday 3-4.30pm and Saturday-Sunday 9-10.30 and 1-2.30, and during school holidays: 9am to 11am and 1-3pm?

Reply from Councillor Robins, Chair of Culture, Heritage, Sport, Tourism and Economic Development Committee

Currently the council run courts are free before 10am so there are opportunities for free play early in the morning. The charges for tennis are set as part of the council fees and charges report and will be reviewed for April 24 when members will have the opportunity to input on what next year's charges should be.

2. Councillor McNair

Flooding Scape project

The Scape project in Carden Avenue has been working for a number of months. Some residents report less flooding; others report problems with the dangerous height of the grass on exiting their drives onto Carden Avenue. The amount of grass in the basins appears to stop water falling into the basins. Has there been a review of the Scape Project, and what improvements will be made?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

The SCAPE project is a pilot and is under continual review. Early indications are that it has had a positive impact on flood risk in the area but, as with any pilot, you would expect some improvements to the design to become apparent.

We have found that the original inlets were not appropriate for maintenance activities and so they were redesigned. This included the addition of silt traps, which are easier to clear of detritus.

The planting was selected to provide a filtration system to remove heavy metals and other associated run off from the highway, and so is an integral part of the design. However, we have found maintenance issues with the cutting of the growth in the basins, and the cutting regime has been amended accordingly.

We will be returning to the design with improvements moving forward.

3. Councillor Meadows

Peace Gardens

The Peace Gardens have had benches damaged recently, graffiti and a fallen column. The crazy paving is broken in many places. The paving around the edge of the sunken garden has been broken for years and is a trip hazard. Benches have not been replaced. This is a war memorial. When will improvements be made to the gardens to ensure they look well-kept.

Reply from Councillor Robins, Chair of Culture, Heritage, Sport, Tourism and Economic Development Committee

Unfortunately, much of the park's infrastructure is in poor repair. The Council has set aside some money to address some of the worst of the dilapidation and I will ask officers to assess what can be done at the Peace Garden.

4. Councillor Bagaen

Housing

The council gave on 4 October the developer of the Dairy site on the Drove way in Westdene & Hove Park a get out clause from delivering what was then the only affordable homes being delivered in the ward. No Registered Provider could be found for these and the council did not want to take them on. What is the council doing to facilitate the delivery of affordable and social housing in our ward? And what is the council doing to support Registered Providers to enable them to take over the small number of properties coming through s106 obligations? After all, an obligation is not an obligation if this council will always allow developers to take the easy way out. This council should be on the side of residents, not developers.

Reply from Councillor Williams, Chair of Housing & New Homes Committee

The council is committed to increasing affordable housing across the city but does not set targets for specific wards. Hyde Housing have delivered The Goldstone Lane, Hove scheme which was in the Hove Park ward (prior to the boundary changes to the wards earlier this year) and delivered 26 units of affordable housing (8 rented and 18 shared ownership).

In addition a number of neighbouring wards in Goldsmid, Wish and Hangleton & Knoll have had affordable new build schemes coming through and the council has an active programme of 'buy backs' in these wards. The Hove Park & Westdene ward has 17 council owned dwellings of which 7 are leasehold so there will be limited opportunities to buy back homes in this ward.

In future the provision of affordable housing in this ward will be dependent on the number of new applications coming through and these will be assessed to determine the level of affordable housing that should be provided.

On new major planning applications the council engages with developers at an early opportunity to advise them to engage with Registered Providers. Whilst we have partnership arrangements with a number of larger Registered Providers who are developing within the city, we also encourage developers to approach smaller providers to widen the options available. If a small number of homes are available, this is often not viable for providers to take on due to management and viability issues. In these circumstances some Registered Providers are interested in buying more homes in order to make it viable and we have seen this successfully work on schemes such as Kings House, Grand Avenue and The Former Texaco Garage, The Kingsway. This option would depend upon developers being open to selling more homes to a Registered Provider and would form part of their negotiations.

If no Registered Provider can be identified a commuted sum is sought and these have been used to support the council's own affordable homes programme and this approach is supported by policies in the development plan.

5. Councillor McNair

Carden Hill

Carden Hill is a major artery, and bus route. When will it be resurfaced?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

Thank you Cllr McNair for your question.

The Council carries out annual condition surveys of the carriageway across the network. This data is then prioritised against a set of criteria to ensure that the limited funds available are used in the most needed locations. The most recent condition survey took place in May 2023. During this survey, Carden Hill was identified as a suitable site for machine lay patching; however it is currently 770 on the priority list of schemes to be completed. We are in the process of updating our forward works programme for the next two years based on this data. However, we inspect all roads within the City on a regular basis and should the condition of a road alter significantly then this will be reflected in the programme as necessary. Carden Hill is inspected every 6 months via walked inspection.

6. Councillor Meadows

Brangwyn Estate

The Brangwyn Estate has not been cleared of weeds. The lanterns at the entrance to Brangwyn Way are in a poor state. And the newly planted trees planted to camouflage the 5G mast are all dead. When will the area be de-weeded? And when will the trees be replaced?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

The lights at the entrance to the Brangwyn Estate are part of the Brighton and Hove street lighting inventory and were installed when the estate was built. They are unique and specific to this location. They are beyond repair and need to be replaced with new lanterns, and unfortunately that requires a specialist manufacturer and significant investment.

I am assured that the Brangwyn Estate has adequate street lighting to provide safe passage for motorists and pedestrians. The lights on the pillars are classed as decorative or amenity lighting, and currently there is no funding specifically available to replace them. Any opportunities for funding will be sought, but a date for replacement cannot be provided at this time. In the meantime, I have asked for options for some cosmetic work to improve them aesthetically.

Street Cleansing Operatives were at the Brangwyn Estate last week clearing weeds and work is also taking place this week to complete the job.

It is very sad that the tree whips have not survived. They will be removed and replaced this winter. The Arboriculture Team do not normally water whips, and the dry periods during recent summers have made it difficult for them to become established. The five additional standard Yew trees that were provided are alive and have been watered.

7. Councillor Lyons

Beach huts

On what basis does the council claim to be able to require beach hut owners to enter into a new licence? The licence on which they hold hut 96 dates from the 1980's and does not, it is believed, contain any right of the council to simply require a new form of licence to be entered into, nor a right to terminate the licence save in the event of a breach of its terms. If this is correct the council cannot demand that beach hut owners enter a new Licence. If this is considered incorrect, could we receive a copy of the Licence that governs the hut and refer to the relevant clauses?

Reply from Councillor Robins, Chair of Culture, Heritage, Sport, Tourism and Economic Development Committee

If the proposed changes are agreed by the Council following the ongoing consultation period, the current licences will all be terminated in accordance with notice provisions set out within the original licence or, in some cases, subsequent renewal licences and new licences will be granted. From 1 April 2024, any beach huts without a new licence in place would be unlicensed huts and would need to be removed by the owner. The Council has published a Q&A document answering some of the common questions raised during the initial stages of the consultation process. This document has been sent to the Secretary of the Hove Beach Huts Association to share with members at the forthcoming AGM and the consultation period has been extended to allow further consideration by members after that meeting. The new deadline for further responses to the seafront office is 9am on Monday 23 October 2023

8. Councillor Theobald

Affordable housing units

Can the Council please advise me on the number and location of affordable housing units that the Council has provided since 2018 with section 106 commuted financial sums from developers who have been unable to provide on site affordable housing.

Reply from Councillor Williams, Chair of Housing & New Homes Committee

Number of affordable housing units since 2018 are detailed, along with section 106 commuted financial sums. We are happy to provide further details in writing of the wards in which we have buybacks

	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total
Commuted sums utilised	0	821	1,072	264	2,510	4,667
Number of units supported by commuted sums	0	34	16	4	67	121

9. Councillor Theobald

Buildings with flammable cladding

Councils have a duty to investigate suspected category 1 hazards under the Housing Act that may include all buildings with flammable cladding. The LGA is continuing to encourage its members to consider whether any private buildings might benefit from a Joint inspection Team inspection. Has Brighton & Hove City Council inspected all such buildings in the City and if not, how many remain to be inspected and where are they located?

Reply from Councillor Williams, Chair of Housing & New Homes Committee

Following the Grenfell Tower tragedy council officers worked with Government (DLUHC) to review the exterior of high-rise private sector purpose built residential buildings in the city to support Government collation of information about potentially unsafe cladding.

The Council's current approach and response to any issues arising with high-rise private sector residential buildings reflects LGA advice arising from their 2022 publication 'Principles for effective regulation of fire safety in flats'.

In line with this LGA advice we have advised Government (DLUHC) officials of our approach, which is to take forward strategic level consultation with East Sussex Fire & Rescue Service (ESFRS) to make sure that we coordinate required actions and resources with regard to purpose built high rise residential blocks to meet our respective demands and responsibilities under the Housing Act / Building Safety Act (BHCC) and updated Fire Safety Regulations (ESFRS).

This is in order to ensure that we effectively target our resources and provide strategic direction enabling both BHCC and ESFRS services to build operational plans to deliver our respective duties and avoid duplication of effort.

Senior council officers regularly meet with Government (DLUHC) officials to discuss fire safety in private sector purpose built residential buildings, including updating on our engagement with ESFRS. We also share information that we may have on private sector blocks in Brighton & Hove may be brought to our attention by Government officials.

We have advised Government (DLUHC) officials that ESFRS operating under fire safety legislation have recently issued letters to various 'Responsible Persons' for all high rise residential blocks within their area asking for specific information on compliance with their fire safety duties and steps to achieve compliance with timescales.

Government officials have advised the Council on the availability of the Joint Inspection Team.

The Council will keep this option under review while also continuing to engage with the fire service on the outcome of their actions following to their recent letter, which may include ESFRS enforcement action.

10. Councillor Goldsmith

With falling Pupil Admission Numbers across the city, is it likely that the council will have to close schools, and what is the council doing to try and avoid this?

Reply from Councillor Taylor / Helliwell, Joint Chairs of Children, Families & Schools

It is a priority for this administration to address the very real impact on schools of the falling pupil numbers in the city. This is an urgent issue for our primary schools and will soon be affecting our secondary schools. We have been approaching this issue with care and attention and want to make sure all options are properly explored. However, we want to assure you that we will be taking early action on this point – and understand that this will have long term impacts beyond the term of this council. Any proposals to address this issue will be centered around the wider longer-term interests of children, young people, and families.

This issue has been kicked down the road for too long, and the city now needs Leadership from the council.

We've been meeting with Heads and Chairs of Governors at some individual settings to discuss specific proposals and have now met them as a group. Our initial proposals on addressing this issue will be set out in a report to our next Children, Families and Schools Committee early in November.

11. Councillor Goldsmith

What work is the council doing to assess the potential impact of the Department from Education's miscalculation on school funding?

Reply from Councillor Taylor / Helliwell, Joint Chairs of Children, Families & Schools

The updated position on Schools funding in 2024/25 after the DfE miscalculation was reported to Schools Forum on 9th October. We know that the DfE funding error equates to a loss of funding to the Schools Block in Brighton and Hove of approximately £1.5m across all maintained mainstream schools and academies. In per pupil terms this is equivalent to approximately £50 per pupil.

12. Councillor McLeay

Theobald House is in serious need of repair and residents were assured that major capital investment works were to be undertaken within the 2022/23 financial year. Residents have since been updated that the planned works are being pushed into the next financial year. Could the Chair of the Housing

and New Homes Committee share an update as to the reason for this delay and when these residents can expect the works to begin?

Reply from Councillor Williams, Chair of Housing & New Homes Committee

The works are scheduled for commencement in April 2024. The delay has been caused by the requirement to engage structural engineers. This is to enable us to review and provide confirmation of the loadings on the concourse in relation to the scaffold. We have now engaged a specialist who will provide the required survey.

We will engage with residents as soon as we have the full details of the reports and are able to confirm works and timelines.

13. Councillor Hill

Has there been any change to the schedule of major works on Sylvan Hall? Hollybank and Rowan House blocks were scheduled for autumn repairs.

Reply from Councillor Williams, Chair of Housing & New Homes Committee

We are undertaking the works to Hollybank and Rowan House as part of our planned works programme this financial year and works start late October, this will entail the replacement of windows and external repairs and decorations. Elm Lodge / Maple House / The Willows are in the 2024/25 programme for planned works to undertake the replacement of windows and external repairs and decorations. For the remainder of Sylvan Hall Estate we are in the process of surveying the remaining blocks for a future major capital works programme.

14. Councillor Hill

Labour's 2024-2025 budget process has promised to take a 'more fundamental look at the council's cost base and the affordability of services and capital investments'. What does this more fundamental look mean in practice? For example, how does this affect our procurement processes?

Reply from Councillor Taylor / Helliwell, Joint Chairs of Children, Families & Schools

The cost of both in-house and externally commissioned services has risen significantly over the last two years due to inflationary pressures while demands across many services have been increasing significantly for many years, particularly across social care and homelessness. Government funding and restricted local tax increases have not kept pace with the cost of services. This council, in common with many others across the country, is now facing severe financial challenges and, as our in-year monitoring shows, is spending beyond its available resources.

We will therefore look at the current capital programme, particularly where borrowing is required, to explore where schemes could be curtailed or delayed to reduce capital financing costs. We have similarly asked all services to look at the cost of providing services and explore options to make further efficiencies and economies through redesigning service delivery, using technology and digital improvements, or reviewing the extent of non-statutory provision. This extends to procured goods and services where we are asking services to tighten up tender specifications to meet only minimum requirements unless there is a good financial case for specifying higher quality.

We are working through all of these issues as part of developing budget proposals for 2024/25 and will be bringing a full set of proposals to February Budget Council as normal. However, we are keen to engage our experienced and knowledgeable staff, unions and partners in helping to identify other ideas for saving money or delivering services differently and have recently launched a communication campaign and on-line forms to enable people to put forward their suggestions.

15. Councillor Hill

How does the council's recruitment freeze affect jobs that are necessary for the provision of statutory services?

Reply from Councillor Sankey, Leader of the Council

The management of recruitment controls has been devolved to each Service Directorate to ensure that impacts on services are properly understood and managed. Directorates are able to over-ride vacancy controls where recruitment is necessary to maintain critical and statutory services, for example, care home staffing levels. Even for non-statutory services or support service functions, controls can be over-ridden, for example, where a service already has a number of vacancies, and a further vacancy would severely impact delivery.

16. Councillor Hill

What is the amount of gas oil that has been used per annum to maintain the temperature in the Newhaven incinerator boiler plant and mobile plant for the past 5 years?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

Combustion at the Energy Recovery Facility (ERF) in Newhaven is self-sustaining and uses waste as the sole fuel.

There are rare occasions on which diesel will be used to increase the temperature in the boiler to maintain it above 850 degrees C, and I have requested information on how often that happens in an average year and what quantities are involved.

17. Councillor Hill

British Glass have written to Brighton and Hove Council asking them to support the UK circular economy and decarbonisation efforts and sell the glass they collect for recycling to a company which processes the glass for remelt in the UK. Currently the glass is sold to the Days Group who export it and use it for aggregate. British Glass provided Brighton and Hove City Council with a list of UK companies who process glass in the UK. Do the council intend to continue selling to Days Group OR will they support the UK circular economy and keep the glass in the UK by selling to a different company, e.g. Beatson Clark, Enva, Glass Recycling UK, Recresco, Sibelco, URM Group.

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

We have been in touch with British Glass, who are keen to assist us in our efforts to increase recycling and reduce the amount of waste we produce. We want to do everything we can to move towards a circular economy and to reduce our carbon emissions.

It is the case that the glass collected in the city currently goes to Days and is exported to Belgium for remelt. The majority of the remelt capacity in the UK is in the north and transporting it to Belgium means substantially shorter journeys. The proximity of Brighton & Hove to mainland Europe means that exporting can sometimes be the more sustainable option.

Some of our glass has previously gone to Recresco, which is on the list suggested by British Glass.

We will of course continue to review options and assess where we send materials for recycling and are committed to recycling material in the most responsible manner. I am happy to liaise with Veolia and assess the domestic options available.

18. Councillor Pickett

The critical environmental concerns around the dumping of raw sewage in our rivers and seas by water companies continues. Despite being continually fined for illegally discharging sewage into our waters, Southern Water continues to do so. Brighton & Hove residents pay to ensure water is effectively managed and considers Southern Water is not fulfilling its duty to update drainage systems to cope with rainfall that occurs more often, due to global warming. What is the council's plan to ensure that Southern Water fulfils the obligations of a water company to provide clean and safe water, and to remove sewage and road run off in a way that does not cause environmental damage?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

We are all horrified by the dumping of sewage into the UK's seas and rivers. It has been a national scandal, and rightly so. I'm pleased that you mention surface water in your question, as this is discussed much more scarcely and yet happens far more often. Surface water run off contains hydrocarbons, plastics and other pollutants and this problem needs to be addressed.

As you will no doubt be aware, one of the first things our administration did was to agree with Southern Water that they would fund independent, year-round testing of our bathing waters, as well as reactive testing when a suspected outflow takes place.

BHCC is producing a Surface Water Management Plan, delivered through funding from Southern Water and the Environment Agency. We are also working with Southern Water to inform a mapping exercise of the city to identify potential sites for Sustainable Drainage Systems (SuDS). This assessment will help to inform priority areas for targeting SuDS schemes across the city and will help minimise surface water outflows. The SuDS at Norton Road has been part funded by Southern Water, and we will continue to seek contributions from them for other projects.

In terms of the provision of clean and safe water, the council is working with Southern Water through The Aquifer Partnership, looking at the health and management of the chalk aquifer to protect the city's drinking water.

On a national level, we will continue to push for tighter regulation of water companies to prevent outflows and bring about the required investment in infrastructure. Locally, we will continue to work with Southern Water to make interventions in the city that alleviate pressure on the drainage and sewer systems and will seek funding from them at every opportunity.

19. Councillor Pickett

With regard to Enterprise Point, Melbourne Street, the current property guardians have been told that despite the owners being refused planning permission, they intend to demolish the building and evict the huge number of guardians within 30 days. What actions is the council taking to support residents and can we be advised what steps can be taken to ask the property owners to delay the timeframe for this eviction? Has the council made any direct representations to Kosy Homes?

Reply from Councillor Williams, Chair of Housing & New Homes Committee

People employed by live-in guardian companies will tend to have their accommodation provided as part of a commercial contract. Guardians are not usually tenants within that contract and usually provisions to provide access to alternative accommodation when the contract expires. These are private organisations, and Enterprise Point is privately owned, however we could request a delay.

The council has already engaged with the occupants living at Enterprise Point, providing advice about housing options. Should any of the occupants

believe there is still a risk of homelessness upon the expiration of the contract, individuals can approach the council. Although alternative accommodation is unlikely to be offered, we will agree a 'Personalised Housing Plan' setting out the 'reasonable steps' both they and the council will undertake. If these 'reasonable steps' are engaged, it will reduce the risk of homelessness.

20. Councillor Earthey

Some Labour councillors have claimed that BHCC has disengaged from ESCC's A259 Corridor Study to the extent that major congestion points to the east of the city have been under-represented and poorly evidenced in the analysis conducted to date, including the Rottingdean traffic lights. What steps is BHCC taking to re-engage with the Study to ensure that there is a fully co-ordinated approach with ESCC to identify A259 improvements, and to ensure that important funding opportunities to improve our critical pinch-points are not missed?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

Thank you for your question Councillor Earthey. I am not sure of the source of the comments on the council's involvement in this study, which is being led by East Sussex County Council. However, I can confirm that representatives of our council have been invited to, and do participated in, a number of workshops that have been arranged to engage a range of stakeholders and seek their input at this early stage. I attended the most recent workshop in July and was the only member present from our city's Labour Group and can provide strong assurance that we are very engaged with the A259 Corridor Study.

The work that is currently being carried out involves the development of an initial, high level Strategic Outline Business Case, to put forward as strong a case as possible for further funding from central Government. As the business case moves through various stages, there will be continued opportunities for discussion and debate as the process continues. I am sure that this will provide the opportunity to further explore measures that are consistent with the study objectives, including those that were raised by stakeholders when various options were being discussed. These would be developed by officers and evaluated and appraised as part of the next business case stage for consideration for inclusion in the final A259 Corridor Package.

The city council would be responsible for the development and delivery of any specific measures within its boundary and this would involve appropriate levels of local consultation and engagement, so that we can hear everybody's views. Where necessary, the process would also involve continued, close working with colleagues within the county and district councils.

The city council has looked at locations within the study area on a number of occasions, and the study team is aware of this work. Some have been

identified in the Bus Network Review document, and others are in our Bus Service Improvement Plan which identifies key locations where public transport infrastructure is needed to improve journey times and reliability. Locations were identified on the basis that they met the Department for Transport's funding criteria at the time. We also have our Local Cycling & Walking Infrastructure Plan. This is the strategic plan to develop and deliver high quality infrastructure which makes active travel accessible, easy, welcoming, enjoyable and safe. It includes priority networks and neighbourhoods, including those in the 'Deans area.

21. Councillor Earthey

What new locations have been identified for a park and ride?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

Thank you for asking this question, Councillor Earthey.

Labour has long called for a park and ride scheme in the city; it was in our manifesto at the local elections this year and was one of the recommendations made by the Climate Assembly in 2020. So it is definitely something we would like to see happen. Officers have been exploring possible options and I am expecting a briefing on the outcomes to discuss the conclusions and possible next steps.

I therefore can't announce any specific potential locations at this time. Historically, potential sites have been limited without finding a clear suitable option and, more recently, there has not been political will to pursue potential options. We recognise that finding a suitable location is not without its challenges. The city sits between the sea and the South Downs, and has a lot of competing needs for the limited areas of land that could be used. There is also a need for complementary measures to make a service attractive and reliable. Nonetheless, I am encouraged that our City Plan has policies that could enable Park + Ride, and that the principle of it is also identified as part of the regional transport strategy and strategic infrastructure plan prepared by Transport for the South East. We now have the political will and with due diligence we are pursuing Park and Ride options as a matter of priority to help alleviate city centre congestion, to reduce carbon emissions, to improve air quality and in response to the climate emergency.

22. Councillor Earthey

Based on the engagement promises made by BHCC Labour Leadership at the recent launch of the Brighton Climate:Change Think Tank, what specific, practical steps is the Leadership taking to engage with local resident expertise to create novel designs for local carbon sinks, and insetting and offsetting schemes, which are so vital to the city's Carbon Neutral 2030 strategy?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

You are quite right to highlight the importance of collaboration in achieving carbon neutrality, and I was very pleased to speak at the Climate: Change event, along with Transport & Sustainability chair, Cllr Trevor Muten and Leader of the Council, Cllr Bella Sankey.

I was shocked to discover after more than 3 years of a Green-led administration that there was no practical plan in place for achieving Carbon Neutrality across the city by our target date of 2030. Consequently, we are now playing catch up and urgently identifying the steps required. We intend to make use of expertise wherever we find it and would of course welcome your views.

To reach carbon neutrality as a whole city, we need to act as a whole city. We are in the process of assembling the key stakeholders, including our academic and research community, and again are shocked that this has not already been done.

In broad terms, we are reviewing the way we involve and consult with the public to enable a more meaningful, strategic and coordinated approach across council services.