

BRIGHTON & HOVE CITY COUNCIL

ENVIRONMENT CABINET MEMBER MEETING

4.00pm 23 DECEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor G Theobald (Cabinet Member)

Also in attendance: Councillor Mitchell (Opposition Spokesperson, Labour)

PART ONE

66. PROCEDURAL BUSINESS

66a Declarations of Interests

66a.1 There were none.

66b Exclusion of Press and Public

66b.2 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Cabinet Member for Environment considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

66b.3 **RESOLVED** – That the press and public be not excluded from the meeting.

67. MINUTES OF THE PREVIOUS MEETING

67.1 **RESOLVED** – The minutes of the meeting held on 4 November 2010 were approved and signed by the Cabinet Member as a correct record.

68. CABINET MEMBER'S COMMUNICATIONS

68.1 The Cabinet Member reported that the council had come first in the independently run Loo of the Year awards which were promoted by the British Toilet Association. In addition the council was also a Champions League member, the 100% and 50% member, Cemeteries and Crematoria National Category Award winner for England (Lawn memorial Cemetery) and short listed for other Awards. The Cabinet Member

thanked the Head of City Infrastructure and her team and the contractors for their hard work in maintaining the city's toilets.

68.2 The Cabinet Member also reported that the Planning team had won two Regional Planning Awards at the recent Royal Town Planning Institute Awards event. The Nature, Conservation and Development Supplementary Planning Document won the climate change award and was received by Matthew Thomas; and the planning brief for the former Royal Alexandra Hospital site received a commendation for its innovative approach and was received by Jo Thompson and Gill Thompson. The Cabinet Member thanked the Head of Planning and Public Protection and all of those who had contributed to the winning work.

68.3 Councillor Mitchell wished to place on record her thanks to the Head of City Infrastructure and the Head of Network Management and all of those involved in keeping the city moving during the recent snowfall and for keeping councillors informed.

The Cabinet Member echoed Councillor Mitchell's comments and thanked officers for going beyond the call of duty.

69. ITEMS RESERVED FOR DISCUSSION

69.1 **RESOLVED** – That all the items be reserved for discussion.

70. PETITIONS

70.1 The Chairman advised that although there were no petitions on the agenda, Councillor Bennett had requested to present a petition signed by 664 people requesting three hourly limited parking in the lay-by on Woodlands Drive.

70.2 Councillor Bennett was unable to attend the meeting for personal reasons so the Cabinet Member advised that would ask officers to review the matter and respond to Councillor Bennett in writing.

70.3 **RESOLVED** – That the petition be noted.

71. PUBLIC QUESTIONS

71.1 The Cabinet Member reported that 3 public questions had been received.

71.2 Mr Tom French asked the following question:

“In the agenda of the last Environment Cabinet Member Meeting officials estimated that it will cost the City Council £2200.00 to publicise the reinstatement of the dog-free area in Queens Park. What is the total projected cost to the Council of removing and then reinstating the dog-free area in Queens Park, including - but not limited to - any money, staff time and other resources that will have been spent on consulting, reconsulting, seeking any legal advice, and publicising any changes to the dog-free area?”

71.3 The Cabinet Member gave the following response:

“Thank you for your question. When we undertook the original revisions to our Dog Control Orders, they covered the whole city including our parks, beaches, golf courses and other areas of open space. The cost of the Orders, including consultation, was included in an overall figure and was not therefore disaggregated for one particular area.

In response to the majority of residents requesting a change to the dog-free area in Queens Park the resultant consultation cost £2000, slightly less than our original estimate.”

71.4 Mr French asked the following supplementary question:

“Do you think that this was a good use of money, or do you think that the money could have been better spent on other thing?”

71.5 The Cabinet Member gave the following response:

“There was considerable publicity around the original consultation, therefore I don’t know why those living around Queen’s Park didn’t make their views known at that time. However, a year later some residents asked for a review, and this was opposed another group of residents. We carried out a consultation and accepted the view of the majority. I hope that all the residents in Queen’s Park will see that we have listened to them and that most are happy with the outcome.”

71.6 Mr Chris Cooke had submitted the following question:

“The council administration's Value for Money report to cabinet in October 2010 demonstrated that £600,000 was to be cut from council supported bus routes over the next few years. Can the Cabinet Member for Environment state that the bus routes 21, 21B, 81, 81A, and 22 will be exempt from these cuts?”

71.7 Mr Cooke was unable to attend the meeting, however the Cabinet Member gave the following response, which would be forwarded to Mr Cooke:

Thank you for your question.

“The Value for Money (VFM) savings referred to in the report to Cabinet in October 2010 were previously approved by Full Council in February 2010.

The £600,000 savings to which you refer, have already been identified and will be realised over the next four years. These savings of £600,000 do not involve the services to which you refer.”

71.8 Ms Tracey Hill asked the following question:

“Several residents in the Elm Grove area, notably Franklin Road and Hartington Place, have commented on the number of large vehicles parked in their streets for long periods of time. This causes problems with parking spaces and general aesthetics,

particularly if a vehicle is right outside someone's window. As the vast majority of residents are against a residents' parking scheme, is it possible to limit the impact of these large vehicles in some other way? For example, could a time limit of four weeks be placed on any large vehicle remaining parked in the same place?"

71.9 The Cabinet Member gave the following response:

"Thank you for your question. The City Council can only enforce vehicle height and size restrictions as part of a residents' parking scheme within a Controlled Parking Zone and, as you will be aware, residents voted against this. This area is therefore uncontrolled and any vehicle is allowed to park there and, providing the vehicle is roadworthy and not abandoned, the council cannot insist that it is moved after a given period of time.

If the vehicles are lived in then the Travellers Liaison team can monitor the situation and take any necessary action. However, if there are large vehicles from a local business then the Council will consider pro-actively discussing a travel plan with the business concerned."

71.10 Ms Hill asked the following supplementary question:

"What do you consider to be the definition of 'roadworthy'?"

71.11 The Cabinet Member gave the following response:

"If the car is not abandoned and is clearly taxed then we consider it to roadworthy."

71.12 The Lead Commissioner for City Regulation & Infrastructure explained that it was difficult to prove that a car was not roadworthy. A car would be deemed roadworthy if it was taxed and insured and if its tyres and general condition were in good order.

72. DEPUTATIONS

72.1 There were none.

73. LETTERS FROM COUNCILLORS

73.1 A letter had been received from Councillor Mitchell concerning residents' parking in Sudeley Terrace, Brighton, accompanied by a petition signed by 24 people. Councillor Mitchell advised that residents felt that the current mix of park in the road was not working and that consideration be given to the provision of resident permit parking only on the southern side of the street.

73.2 The Cabinet Member stated that he would instruct officers to investigate current parking demands in the road.

73.3 **RESOLVED** – That the letter and petition be noted.

74. WRITTEN QUESTIONS FROM COUNCILLORS

74.1 Councillor Kitcat had submitted five questions, but had subsequently given his apologies and could not attend the meeting. The Chairman advised that the following questions and answers had been circulated and that they would be forwarded to Councillor Kitcat:

Question:

“Why has Brighton & Hove's municipal waste tonnage increased against a national and regional trend for waste reduction? (According to DEFRA figures at <http://www.defra.gov.uk/evidence/statistics/environment/wastats/bulletin10.htm>).”

Response:

“Municipal waste tonnage in this city has been reducing year on year. It did increase slightly in 2009/10 but was still lower than in 2006/07 and 2007/08.

Question:

“Why has this Council performed less well than the previous year, despite other councils across the UK improving performance year on year?”

Response:

“Many councils have seen recycling rates drop in recent years. Experts in the field believe this is due to the recession – for example, newspaper and magazine sales have dropped – and also because measures to reduce packaging are starting to have an effect.”

Question:

“What are the particular reasons that apply here which mean that recycling services perform much worse than the regional average (South East average is 35%)?”

Response:

“Recycling rates in cities are generally lower than they are in rural areas. Rural areas have the luxury of having plenty of space for wheelie bins for recycling and green waste, and many of them impose fortnightly refuse collections which will increase recycling rates.

This Administration is not proposing to introduce fortnightly refuse collections or artificially inflating figures by providing a garden waste collection at additional cost to the council tax payer.

East Sussex, for example, is a largely rural authority, so it is hardly surprising that our recycling rate is lower. Our recycling rate is higher than other cities such as Portsmouth (24.7%), Southampton (26.4%), Manchester (18.8%), Lewisham (16.8%), Liverpool (25.5%) and Westminster (24.4%).”

Question:

“What is Cllr Theobald going to do to make sure that next year this Council's recycling figures are at least on a par with other local authorities?”

Response:

“Our recycling rates are already better than those of many other cities.

We are extending recycling services to blocks of flats, improving ‘bring sites’ and have introduced carton recycling at many points across the city.

I am pleased to say that our early projections for this year show an increase in recycling rates and a reduction in total waste produced.”

Question:

“What is the carbon debt associated with the failure to maximise the recycling service in the city, and how do this Council intend to reduce carbon emissions from waste operations to promote a low carbon waste service?”

Response:

“This Administration is maximising recycling rates in a sustainable manner.”

75. NOTICES OF MOTION

75.1 There were none.

76. PLANNING APPLICATION LOCAL VALIDATION REQUIREMENTS CONSULTATION

76.1 The Cabinet Member considered a report of the Strategic Director, Place seeking approval to consult on the reviewed local validation requirements for the submission of planning applications.

76.2 The Cabinet Member explained that a validation requirement was the information needed to make a planning application valid so that it could be understood and assessed by interested residents, resident groups and planning officers. Consultation would take place to ensure that the requirements for applicants were clear, concise, necessary and easily understood. Real success had already been achieved with the approach to simplifying what is needed by using a checklist and this was the next step of the ongoing work within planning to shape the service around the customer.

76.3 Councillor Mitchell welcomed steps to make the process clearer for applicants. She queried whether there was any intention to provide Members with further information on the changes to the planning system proposed in the forthcoming Localism Bill and in particular the timetable for repealing existing planning legislation.

76.4 The Lawyer to the meeting advised that the Governance Committee had received a report prior to the publication of the Bill and that a further report would be considered at a future meeting of that Committee now that the Bill had been published.

76.5 The Head of Planning & Public Protection advised that a formal consultation on the future of the planning system had recently been launched and that reports would be considered by the Cabinet Member for Environment at future meetings.

76.6 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the reviewed local validation requirements for the submission of planning applications be subject to a period of 8 weeks public consultation commencing on 7 January 2011.
- (2) That the results of the public consultation be reported back to the Environment Cabinet Member Meeting for decision.

77. **REPLACEMENT OF BRIGHTON & HOVE SUSTAINABILITY CHECKLIST**

77.1 The Cabinet Member considered a report of the Strategic Director, Place seeking approval to make changes to the council's online sustainability checklist, which is a council requirement for all who submit residential planning applications, to make the checklist more user-friendly for applicants and improve the quality of the data used for monitoring purposes.

77.2 The Cabinet Member explained that the new online checklist would be easier to use and update. It would be hosted "in-house" by the council's own ICT service, ending the existing arrangement whereby it was provided by an outside company and saving the council money. Training would be provided for local agents, members and officers prior to the checklist going on general release.

77.3 Councillor Mitchell welcomed proposals to bring the checklist in-house and utilise the expertise available within the council to potentially make savings, providing that the requirements within the checklist were not reduced.

77.4 The Head of Planning & Public Protection confirmed that the requirements would not be affected; the focus would be on making the checklist more robust and easier to use.

77.5 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That replacement of the currently outsourced Sustainability Checklist with a new in-house version hosted by the council's ICT services be endorsed.
- (2) That the timetable of production, testing, and implementation of the new in-house Sustainability Checklist by 1 April 2011 be agreed.
- (3) That approval be given for the in-house version of the Brighton & Hove Sustainability Checklist to be adopted, subject to any minor non-material alterations agreed by the Strategic Director of Place in consultation with the Cabinet Member for Environment.

78. **PATCHAM CHARACTER STATEMENT**

78.1 The Cabinet Member considered a report of the Strategic Director, Place seeking approval for the Patcham Conservation Area Character Statement, following a positive public consultation.

78.2 The Cabinet Member advised that the public had been consulted on the draft Patcham Character Statement and the responses analysed. The Character Statement had been generally well received and a number of amendments had been made in response to the representations. The report recommended that the conservation area be extended to include Coney Wood and the Patcham Recreation Ground, and that the boundary to the rear of the Black Lion Hotel be adjusted. It also proposed that an Article 4(1) Direction be made to control harmful incremental change in the area.

78.3 Councillor Mitchell welcomed the adoption of character statements in general and stated that they were an important tool in helping the council and the public to understand neighbourhoods within the city.

78.4 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the Patcham Conservation Area Character Statement be adopted, subject to any minor grammatical and non-material text and illustration alterations agreed with the Cabinet Member for Environment.
- (2) That an Article 4(1) Direction be made for dwellings in the area under the Town and Country Planning (General Permitted Development) Order 1995, as recommended by the Patcham Conservation Area Appraisal and detailed in annex 3.
- (3) That the proposed boundary changes, as set out in the Character Statement and illustrated in annex 4, be approved and formally designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

79. BRUNSWICK ESTATE REPAINTING- NON-COMPLIANCE WITH THE HOVE BOROUGH COUNCIL ACT 1976

79.1 The Cabinet Member considered a report of the Strategic Director, Place advising on the current state of compliance with the Hove Borough Council Act 1976, which seeks to preserve the uniform appearance of Brunswick Square and Terrace and part of Brunswick Place, and seeking authorisation for enforcement action in respect of those properties that have not been repainted.

79.2 Councillor Mitchell advised that she supported the proposals within the report.

79.3 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That authorisation be given for the issue and service of notices under Section 3 of the Hove Borough Council Act 1976 on the owners and occupiers of those properties in Brunswick Terrace, Brunswick Square and that part of Brunswick Place south of Western Road, where external decoration of the street fronts has yet to commence.

- (2) That approval be given for prosecution proceedings against owners in the event of non-compliance with the requirements of any notice served.

80. ELECTRIC VEHICLE CHARGING POINTS

- 80.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the expansion of the installation of on-street charging points for electric vehicles in the city.
- 80.2 The Cabinet Member reported that no objections to the traffic order had been received and that the charging points would soon be installed.
- 80.3 Councillor Mitchell welcomed the expansion of the electric vehicle charging points and asked whether any data was available on usage of the existing points.
- 80.4 The Lead Commissioner for City Regulation & Infrastructure reported that take up had been encouraging with up to 12 users across the city, but that it was still quite early to expect more frequent use.
- 80.5 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That, having taken into account any duly made representations and objections, the Cabinet Member approves the Brighton & Hove Various Controlled Parking Zones Consolidation Order 2008 amendment order no. *20** as advertised, namely:
- The provision of two on-street electric vehicle charging points to be created in Withdean Road (west side, near the entrance to the Withdean Sports Complex)
 - The provision of two on-street electric vehicle charging points to be created in Madeira Drive (south side, opposite unit two of The Terraces).

81. FEES AND CHARGES 2011/12

- 81.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the proposed fees and charges for the Environment portfolio for 2011/12.
- 81.2 Councillor Mitchell stated that the proposed changes to parking charges aimed to meet the corporate inflation target of 2% and asked whether they would subsequently be increased to help meet the further savings the council was required to make. She also queried the difference between pest control fees for the removal of rats and mice.
- 81.3 The Cabinet Member stated that the charges in the report were what was being proposed for approval today and that it was not possible to say what might happen in the future.
- 81.4 The Head of Planning & Public Protection explained that charges for the removal of mice had been brought in during the previous year and the proposals within the report aimed to bring the charges for rats and mice closer together. He reported that there

had been no reduction in take up of the service and no complaints of dissatisfaction in relation to the price had been received.

81.5 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the proposed fees and charges for 2011/12, as set out in the report, be agreed.

The meeting concluded at 4.30pm

Signed

Cabinet Member

Dated this

day of