

## Scrutiny Committee

**Minutes of the meeting held in the Ditchling Room, Southover House, Southover Road, Lewes, BN7 1AB, on 21 March 2019 at 2.00pm**

### **Present:**

Councillor Peter Gardiner (Chair)

Councillors Sam Adeniji, Nancy Bikson, Joanna Carter, Nigel Enever, Susan Murray and Julian Peterson

### **Officers in attendance:**

Ed Hele (Functional Lead, Quality Environment)

Peter Sharp (Head of Regeneration)

Linda Farley (Head of Customer First)

Jennifer Norman (Committee Officer)

Leigh Palmer (Interim Head of Planning)

Tim Whelan (Director of Service Delivery)

### **53 Minutes**

The minutes of the meeting held on 7 February 2019 were submitted and approved, and the Chair was authorised to sign them as a correct record.

### **54 Apologies for absence**

An apology for absence had been received from Councillor Robbie Robertson.

### **55 Declarations of interest**

There were none.

### **56 Urgent items**

There were none.

### **57 Written questions from councillors**

There were none.

**58 Petition regarding night time noise on the East Quay at Newhaven Harbour**

The Committee received a petition with 933 signatures which related to monitoring the dust and noise from the operation of scrap boats on the east quay at Newhaven Harbour at night.

The Functional Lead (Quality Environment) (FLQE) explained that the site named in the petition had been a working port with no restriction regarding hours of operation prior to the current planning regulations which were in place.

The FLQE discussed the Environment Agency's (EA) study of ambient air quality at Newhaven Marina along with its findings, and a letter to the Committee written by the operation managers of the scrap metal business based at Newhaven Harbour, H. Ripley & Co. Hard copies of each document were distributed to all those who were present at the meeting.

Discussion included:

- Noise monitors. The FLQE explained that Ripley's had its own noise monitors as part of a noise management plan with the EA. He further explained that Ripley's agreed that it could do more sorting of scrap metal during the daytime and on the weekend in an effort to reduce noise in the evenings;
- Noise complaints. The FLQE informed the Committee that when the Council received noise complaints, it undertook noise monitoring but that it could also do further noise monitoring in cooperation with Ripley's and the EA if the Committee requested. He clarified that although the Council had noise monitoring machines for small owned/rented properties, it would have to hire noise and dust experts to undertake further noise studies of Newhaven port; and
- The cost of noise monitoring. The FLQE explained that the Council would incur additional costs for several months of noise monitoring with a minimum cost of £5k per location.

Resolved:

Dust:

1. That it be noted that the working port of Newhaven, which permits for recycling of metals, has been in existence for longer than much of the housing on the west bank of Newhaven;
2. That the petition be noted and thanks be given to those who organised it;

3. That the Environment Agency's report and letter from H. Ripley & Co. be noted;
4. That the siting of the sampling devices on the west bank and the prevailing wind from a westerly direction as detailed in the Environment Agency's report, be noted;
5. That it be agreed that the Environment Agency's report , taken on the west bank, showed that dust and particle problems did not exceed the air quality standards on the west bank and that it is reported back to the petitioners by Councillors Julie Carr and Graham Amy;
6. That it be noted that the worst air quality measurements on the Environment Agency's equipment on the west bank were:
  - a) When the wind was blowing from an easterly direction;
  - b) During working hours; and
  - c) Were fugitive emissions such as re-suspension and wind-blown dust;
7. That the Environment Agency, as a result of resolution 6, be requested to place an air quality measuring device on the east bank, either near the housing on the east bank, or at about the same distance from the Ripley site as the measuring device was placed on the west bank, with the express purpose of obtaining a better picture of emissions from a more sensible location as regards emissions from the port (i.e. downwind) and as experienced by housing to the east, noting also that there will be considerably more housing in this direction both of the Barratts' site and the Parker Pen site and a new hotel;

Noise:

8. That it be noted that Ripley have taken its own noise measurements and that Officers ask if Ripley would share the measurements so that Council Officers can provide a report to a future meeting of the Committee;
9. That the Environment Agency be asked to take noise measurements on both the east and west banks, during the working day and during the loading of ships with scrap metal; and
10. That the Council should set up its own noise measuring devices to measure noise during the working day and during the loading of ships in the absence of the completion of resolution 9.

**59 Scrutiny Review of affordable workspace and support for the creative sector**

The Committee considered the report which presented the findings and recommendations of the Scrutiny Panel Review into the need for affordable workspace across the District and support for the creative sector.

The Head of Regeneration highlighted that the Scrutiny Panel Review, which was chaired by Councillor Joanna Carter, was in response to the large concentration of small and medium sized enterprises (SMEs) including micro enterprises in the local economy and their need for affordable workspace to enable them to prosper; and secondly, interest in best practice examples from other local authorities that the Council could consider to better support the creative economy in the District.

The Head of Regeneration discussed the Panel's objectives and the results of its findings, which were detailed in the report.

The Committee queried whether there was scope to encourage mentoring for entrepreneurs and SMEs. Officers confirmed that mentoring was encouraged and business support services were provided.

The Chair of the Scrutiny Panel Review thanked the Head of Regeneration and his team for putting together the report and for facilitating positive meetings of the Panel.

**Resolved:**

1. That Council be recommended to adopt a position statement formalising its commitment to supporting the growth of the creative sector;
2. That Council be recommended to formally adopt South East Creative Economy Network's approach to defining affordable workspace;
3. That Council be encouraged to investigate the potential for Meanwhile Use Leases for the temporary use of Council assets, subject to statutory requirements and prior to resolution 5;
4. That Council be encouraged to explore the potential to facilitate the development of new "open workspace" within the District;
5. That Council be recommended to grant a one off financial allocation of £10,000 to investigate the feasibility of Meanwhile Use Leases, including a full business case, to recognise the considerations of the cost of upgrading existing properties to lettable standards in line with existing legislation, ongoing maintenance requirements and any opportunity cost arising from higher value uses being lost within the District, subject to the prior completion of resolution 3;

6. That the Council's Regeneration service continue to work closely with Locate East Sussex and other partner agencies to ensure they continue to collaborate effectively with South East Creative Cultural and Digital Support and the creative sector, be noted; and
7. That all services across the Council continue to raise awareness and inform residents and enterprises of the business support available to them through their business engagement and marketing methods including casework, meetings involving the business community, Council website and District News, be noted.

Reasons:

- 1) To enhance the Council's commitment to growth & prosperity with specific reference to the local creative sector.
- 2) To capitalise on the extensive strategic collaborative work already underway by South East Creative Economy Network and in South East Creative Cultural and Digital Support, in the South East Local Enterprise Partnership area, which the Council is committed to supporting and working with, to address barriers for the creative sector, including the shortage of appropriate workspace and in business support and advice.
- 3) To ensure that existing external agencies and partners are aware of the needs of all aspects of the diverse economy of Lewes District, including emerging opportunities for collaboration with South East Creative Cultural and Digital Support to create a more fit-for-purpose commercial property solution for the sector.
- 4) Although the creative sector is an important part of the local economy of the Lewes District, the sector is responsible for a relatively small proportion of total employment. Support to grow the sector could be beneficial in achieving the Council's Growth and Prosperity objectives.
- 5) To recognise that Meanwhile Use Leases can offer benefits to both the Council and the local economy, but that such uses may have an opportunity cost attached should higher values uses come forward.

## **60 Scrutiny Transport Panel**

The Committee considered the report which sought to clarify the expectations of the Scrutiny Transport Panel and to ascertain whether the Panel was still necessary, or whether its objective could be achieved by means of another process.

The Committee suggested that congestion on the a259 and sustainable transport be considered as part of the 2019/2020 Scrutiny Work Programme by future membership of the Committee.

The Chair expressed his gratitude to Officers, in particular Jazmin Victory (former Scrutiny & Committee Officer) and Jennifer Norman (Committee Officer), for all of their hard work and assistance in Scrutiny matters. He further expressed his gratitude for all of the knowledge that all Council Officers brought to the Committee during his tenure as Chair of the Scrutiny Committee.

Members wished, and Officers agreed, to thank the Chair for all of his hard work and knowledge that he brought to the Committee as Chair and during his years of service as a councillor. All those who were present at the meeting wished the Chair the best of luck in the future.

Resolved:

That the current Scrutiny Transport Panel be dissolved.

Reason:

To make use of the requirement of the Council's Constitution that a Panel be referred back to the Committee, should the Panel's agreed timescale for completing a review become unrealistic.

## **61 Scrutiny Work Programme**

The Committee considered the Scrutiny Work Programme, which set out in-year variations to the Annual Scrutiny Work Programme for the forthcoming year.

Resolved:

That the Scrutiny Work Programme be noted.

Reason:

To demonstrate the Scrutiny Committee's entitlement of in-year variations to the work programme, as indicated by Part 4 Rule 7 (c) of the constitution of the Council.

## **62 Forward Plan of Decisions**

The Committee received the Forward Plan of the Council for the period of 1 March 2019 to 30 June 2019.

Resolved:

That the Forward Plan of the Council for the period of 1 March 2019 to 30 June 2019, be noted.

Reason:

To demonstrate the discharge of the Scrutiny Procedure Rule 9 (d) to have regard to the Forward Plan of Decisions.

**63 Date of next meeting**

Resolved:

That the next meeting of the Scrutiny Committee scheduled to be held on Thursday, 27 June 2019 in the Ditchling Room, Southover House, Southover Road, Lewes, BN7 1AB, commencing at 2:00pm, be noted.

The meeting ended at 2.50pm.

Councillor Peter Gardiner (Chair)