

# **Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee**

**Wednesday 6 March 2019**

## **PRESENT:**

Councillor Morris, in the Chair.

Councillor Fletcher, Vice Chair.

Councillors Buchan, Carson, Churchill, Cook, Mavin, Stevens and Wheeler.

Also in attendance:)Paul Barnard (Service Director for Strategic Planning and Infrastructure), Nick Carter (Head of Housing and Infrastructure), Kaja Curry (Natural Infrastructure Manager), Councillor Dann (Cabinet Member for Environment and Street Scene), David Draffan (Service Director for Economic Development), Councillor Evans OBE (Leader of the Council), Matt Garrett (Service Director for Community Connections), Councillor Haydon (Cabinet Member for Customer Focus and Community Safety), Nicola Horne (Service Manager), Patrick Knight (Economy, Partnership and Regeneration Manager), Amanda Lumley (Chief Executive, Destination Plymouth), Kevin McKenzie (Policy and Intelligence Advisor), Katherine O'Connor (Environmental Health (Food Safety) Service Manager) and Helen Prendergast (Democratic Advisor).

The meeting started at 2.00 pm and finished at 5.15 pm.

*Note: At a future meeting, the Panel will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### **41. Declarations of Interest**

There were no declarations of interest made by Councillors in accordance with the code of conduct.

### **42. Minutes**

The Committee agreed the minutes of the meeting held on 9 January 2019 are confirmed as a correct record.

### **43. Chair's Urgent Business**

The Chair stated that he had hoped to be able to advise the Committee on the Government's announcement on the Strong Towns Fund which would be launched to boost less well-off towns following Brexit but unfortunately no information was currently available.

In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need to advise Members for information).

#### 44. **Visitor Plan**

Councillor Evans OBE (Leader of the Council), David Draffan (Service Director for Economic Development), Amanda Lumley (Chief Executive, Destination Plymouth) and Patrick Knight (Economy, Partnership and Regeneration Manager) presented the Visitor Plan refresh for 2020-2030. The key areas highlighted were -

- (a) following extensive consultation with a wide range of stakeholders and development of initial concept, approval was sought from Cabinet to adopt the strategic vision for the Plymouth Visitor Plan 2020-2030.
- (b) the refreshed plan described the focus and priorities for the next 10 years and was designed to build on the progress since 2011;
- (c) there is a need to refresh the Visitor Plan, in the light of the evolving marketplace, the significant progress against the existing plan, and new opportunities arising which included how to capitalise on the Mayflower 400 legacy and the proposal to establish the UK's first National Marine Park;
- (d) the new Visitor Plan aimed to enable Plymouth's residents to benefit from the visitor economy and support job retention and creation; whilst also seeking to enable Plymothians to take full advantage of the City's rich history, heritage and unique environment by promoting opportunities for education, health and wellbeing and pride.

The areas of key questioning from Members related to -

- (e) when benchmarking against other cities it was evident that Plymouth was 'good value for money', had this been as a result of prices not being increased;
- (f) whether the 'blue/green' environment offer would include access to the green spaces and nature reserves within the City;
- (g) what other challenges did the City face in being able to grow its visitor numbers, in particular the connectivity to the City;
- (h) whether the hotel accommodation that had currently been identified would be built in order to meet the City's needs;
- (i) what measures were being undertaken to develop conference tourism, in order to attract year round visitors to the City (which was one of the strategic ambitions within the Plan).

The Committee noted the report and agreed that a further update on the Visitor Plan 2020-30 be included on its work programme for October 2019, prior to Cabinet being asked to ratify and formally adopt the detailed business and marketing plans in December 2019.

*(Note: the Plymouth Visitor Plan 2020-2030, produced by Blue Sail, was circulated to Members via email for information).*

#### 45. **Brexit and the Environment**

Councillor Haydon (Cabinet Member for Customer Focus and Community Safety), Councillor Dann (Cabinet Member for Environment and Street Scene), Katherine O'Connor (Environmental Health (Food Safety) Service Manager), Kaja Curry (Natural Infrastructure Officer), Nicola Horne (Service Manager) and Kevin McKenzie (Policy and Intelligence Advisor) presented the report which highlighted the following key areas –

- (a) the report sets out the known and potential impacts of the UK leaving the European Union that related to natural environment and the Council's environmental health regulatory role; the focus of the report was as follows –
  - broad direction of Government policy around the environment, as set out in the 25 year Environment Plan and the draft Environment (Principles and Governance Bill) 2018;
  - the potential impact on planning policy and practice in relation to the environmental assessment of development projects and policies;
  - changes to the current regulatory framework for air quality and related corporate work streams, eg the plan for trees and the Council's policy around electric vehicles and relevant pledges made by the Administration;
  - the impact on the natural environment, in particular areas and species with protected status under EU law;
  - the impact of the delivery of the City's Port Health Authority functions and relevant environmental health regulatory functions eg catch certificates and export health certificates;
- (b) at the time of writing the report it is anticipated that more than 600 statutory instruments would be laid before Parliament in the forthcoming months;

- (c) the ongoing uncertainty regarding the outcome of the Government's negotiations added significant complications; the draft withdrawal agreement negotiated with the EU included a principle of non-regression in relation to existing EU environment law; it was unclear whether this would be applied unilaterally in the event of a no deal outcome;
- (d) in the event of a no deal, there would be no subsequent interpretations by the Court of Justice of the European Union and the only way to amend the law was through domestic measures;
- (e) in the situation of a soft exit, the majority of European Union environment law would continue to apply; however the law would not apply to the common fisheries, common agricultural policies and the Birds, Habitats and Bathing Water Directive.

The key areas of questioning from Members related to –

- (f) sought clarification relating to -
  - what would be the legal redress relating to the draft Environment (Principles and Governance) Bill regarding the principle of public participation in environmental decision making and the principle of access to justice in relation to environmental matters;
  - following the issue of a policy statement in respect of each principle for the draft Environment (Principles and Governance) Bill, who would need 'to have regard to the policy statement' as currently people with environmental decision making powers were not required to have regard to the Bill;
  - how environmental regulations, management and justice would apply following exit day;
- (g) whether the impact of any changes to environmental law, would impact on the future plans for the development of Plymouth's National Marine Park;
- (h) sought clarification as to what stage (of the parliamentary passage of bill process) the draft Environment (Principles and Governance) Bill sat;

- (i) the impact of the loss of approximately 1500 vehicles coming through the port, as a result of it not being designated as a Boarder Inspection Post (BIP) and the potential impact on Brittany Ferries;
- (j) information on the air quality within the City, particularly Barn Barton and St Budeaux due to the incinerator;
- (k) as a result of a no deal, what would be the impact on the Port Health Authority, of having to check cargo entering the port from the European Union;
- (l) whether the Port Health Authority would be required to undertake inspections of pharmaceuticals, under the same regime for that of meat, fish and dairy products;
- (m) sought clarification as to whether the Department of Transport had contacted the Council to ascertain whether with the contract awarded to Brittany Ferries (in order to alleviate the extra pressure on the BIPs) would be successful;
- (n) what were the economic implications of the Plymouth Health Authority not being designated as a Boarder Inspection Post;
- (o) if the port became a BIP, what implications would there be on the transport infrastructure, such as increased traffic on the Tamar Bridge and regional transport links;
- (p) the feasibility of the Plymouth Port Health Authority being designated as a Boarder Inspection Post;
- (q) whether the update training for Environmental Health Officers was being funded through Government funding (£34,000) or whether Council resources were being used, and the impact that this training would have on the planned food hygiene inspection programme.

The Committee noted the report.

The Committee agreed –

- (l) that in consultation with Kevin McKenzie (Policy and Intelligence Advisor) and the Chair a letter is written to the Chair of the Efra Board outlining the Committee's concerns;

- (2) to recommend to Cabinet that it investigates and supports the designation of the Plymouth Port Health Authority as a Border Inspection Post;
- (3) to recommend to Cabinet that it endorses and supports the reassessment for Plymouth to become a strategic port;
- (4) that air quality management is included on its work programme for June 2019 meeting.

46. **Plan for Homes**

Councillor Penberthy (Cabinet Member for Housing and Co-operative Development), Paul Barnard (Service Director for Strategic Planning and Infrastructure), Matt Garrett (Service Director for Community Connections) and Nick Carter (Head of Housing and Infrastructure presented the Plan for Homes report. The report highlighted the following key points –

- (a) the ambition of the Plan for Homes 3 was to support the delivery of at least 1000 new homes each year over the next five years; this built on the success of the Plan for Homes programme which had been launched in 2013;
- (b) the programme established a Housing Investment Fund with first delivery allocation of £15.845m in the capital programme; the funding directly supported increased and accelerated delivery of new homes which helped to address identified housing needs and supported the growth agenda;
- (c) the new Plan sets out three strategic housing themes, as follows -
  - improving housing conditions and broadening choices;
  - supporting the delivery of the Joint Local Plan housing numbers;
  - establishing a Housing Investment Fund;
- (d) the Plan also identified nine priority objectives and a range of interventions that would support the delivery of at least 1000 new homes per year through a range of housing, planning and services initiatives whilst also meeting housing needs and tackling homelessness and poor housing conditions.

The key areas of questioning from Members related to –

- (e) a query on the work programme relating to the Cabinet Member responsible for this issue;
- (f) whether the right to buy receipts, totalling £8m, should have been allocated to Plymouth Community Homes, in order to refurbish the Devonport towers (in light of the Grenfell incident), rather than build new homes;
- (g) the current position regarding the Administration's aspirations to provide temporary/emergency accommodation for homeless people within the City;
- (h) whether priority would be given to sustainability, in build, in use and accessibility in the provision of the 5000 new homes, in order to provide a flexible housing stock, particularly within the social rented sector;
- (i) how engagement with communities was managed in relation to large scale regeneration and self-build sites that had been identified;
- (j) what measures were being undertaken to engage and assess the needs of those people that were currently on the housing waiting list;
- (k) what measures were being put in place, to manage the success that Plymouth had achieved in providing accommodation for homeless people, given the increased number of homeless people migrating to the City;
- (l) whether purpose built student accommodation could be adapted for family use, should in the future over-capacity with this type of accommodation occur;
- (m) whether there were any measures that the Council could undertake to assist the redevelopment of identified sites within the City that were privately owned, such as the old snooker hall in St Budeaux and the Paper Converting Machine Company in Southway;
- (n) what encouragement could the Council offer developers to allow students to occupy the newly completed accommodation at Crescent Point.

The Committee noted the report and agreed to include an update on the Plan for Homes on its work programme for March 2020.

*(Note: the New Plan for Homes presentation was circulated to Members via email for information)*

47. **Work Programme**

The Committee noted its work programme for 2018/19 and agreed to include the following items for 2019/20 –

- (1) air quality management (June 2019);
- (2) Plan for Homes (March 2020);
- (3) Strategic Transport Schemes Update (June 2019);
- (4) Visitor Plan 2020/2030 (October 2019).

48. **Tracking Decisions**

The Chair drew Members' attention to the appendix attached to the tracking decisions which detailed the Cabinet's responses to the Budget Scrutiny Select Committee Review's recommendations.

The Committee noted the progress of its tracking decisions.