

BRIGHTON & HOVE CITY COUNCIL
CULTURE, RECREATION & TOURISM CABINET MEMBER MEETING

4.00pm 6 MARCH 2012

COUNCIL CHAMBER, HOVE TOWN HALL

Present: Councillor Bowden (Cabinet Member)

Also in attendance: Councillors Brown and Fitch

Minute Extract

73. OPERATION OF SALTDEAN LIDO

- 73.1 The Cabinet Member considered a report of the Strategic Director, Communities providing an update on the progress made on the recommendations approved at the Cabinet Member meeting on 6 December 2011 on the operation of Saltdean Lido.
- 73.2 The Head of Planning Strategy explained that the first stage warning letter had been sent and notwithstanding a delay inspection of the premises had taken place. The surveyor's report was currently awaited. It was not appropriate to take further action pending its receipt. However the Local Planning Authority would then seek to progress the matter further.
- 73.3 Councillor Fitch expressed his disappointment that this matter had not progressed more swiftly, it appeared that the matter had been hanging fire for sometime. The Cabinet Member stated that whilst he shared that sense of frustration it was important that the council proceeded within the law, certain processes had to be observed and the interests of all council tax payers had to be protected. Clear advice had been given that if the local authority sought to compulsorily purchase the site without observing due process, such action as well as having significant cost implications was likely to fail.
- 73.4 Mr Bruce, Principal Solicitor and Legal Adviser to the Cabinet Member Meeting gave an update on the current position. He explained that details from the appointed Valuer's Executive Summary were due to be placed on the council website imminently, which referred to a nil valuation for the surrender of the lease, on the basis that there was no "hope value" for the lease. It was known however that the lessee maintained that there was "hope value", on the basis that there was potential development on the site. Meetings had

taken place with Officers of the Planning Department on several occasions and the lessee had been advised that such an expectation was unrealistic.

- 73.5 The Principal Solicitor went on to explain that arrangements had been made by the lessee for a representative from English Heritage to visit the site later that month. This was important because if, as envisaged English Heritage's independent assessment of the development position accorded with the council's it would bolster its stance in relation to surrender of the lease and a robust approach. A Compulsory Purchase Order remained a matter for the Planning Authority using local planning powers. The current functional divide between executive and non-executive decisions would be removed by the impending change to a Committee based decision making process although there would still need to be "chinese walls" between the council's roles as local planning authority and as landlord. Proceeding in the current manner (seeking to negotiate a surrender against the backcloth of potential action under planning legislation) represented the swiftest and most appropriate way forward.
- 73.6 Councillor Brown welcomed the report and the approach being taken especially in relation to health and safety issues, it was encouraging to note that after a number of years progress was being made. Councillor Brown expressed the hope that a robust approach would result in the matter being able to be resolved.
- 73.7 **RESOLVED** - That the Cabinet Member for Culture, Recreation and Tourism:
- (1) Notes that the head lessee has agreed to have without prejudice negotiations regarding the possible surrender of the lease;
 - (2) Notes that an external valuer has produced a valuation of the Lido for surrender and/or compulsory purchase purposes;
 - (3) Notes that liaison with Saltdean Community Association (SCA) has been on-going, as, in accordance with the Full Council resolution, actions, actions undertaken by the council are with a view to not prejudicing the position of the SCA; and
 - (4) Notes that the local planning authority is considering the position under sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as referred to in section 4 of the report.