



**Brighton & Hove
City Council**

CABINET ADDENDUM

4.00PM, THURSDAY, 10 NOVEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

ITEM	Page
111. PUBLIC QUESTIONS	1 - 2
112. DEPUTATIONS	3 - 4

WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by a member of the public who either lives or works in the area of the authority.

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from members of the public.

(a) Ms Melanie Roberts

“As you are considering a lease agreement are you aware of the restrictive covenants for this site and the Lawyers letter to the council regarding this development?”

One covenant states the site should not be used in any way that will cause disturbance to the owners of neighbouring properties. At the planning meeting it was agreed by the council’s environmental health officer that this development would cause disturbance to neighbours.

Another covenant says this area should not be used as a sports ground. This will be the designated home for Brighton Hockey Club and therefore, by definition, breaches this restriction.”

(b) Ms Sarah Wilks

“Are you aware that the parents of registered pupils of the school haven’t been consulted by the governors? This is a legal requirement.

I was present at the FAB meeting when the deputy head stated he would organise a meeting with parents and local residents but has not done so. He also stated to all members of FAB that the school were not happy about the lease and would not proceed with a lease agreement with the Hockey club.

Please note that I am the author of the letter in the Argus referred to in 3.8 of this agenda.”

DEPUTATIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for the hearing of depositions from members of the public. Each deposition may be heard for a maximum of five minutes following which the relevant Cabinet Member may speak in response. The deposition will be thanked for attending and its subject matter noted.

(a) Deputation concerning the granting a loan facility to Blatchington Mill School for the development of artificial hockey pitches and a 20 year lease to BH hockey club – Mr Dave Smart (Spokesperson)

Residents have no issue if the development is solely for the use and benefit of Blatchington Mill School. However it cannot be appropriate for the Local Authority to use Public Funds to finance what will effectively be a commercial sports ground.

The primary benefactor of the pitches will be Brighton and Hove Hockey Club not the School (hence the larger contribution by the Hockey Club for the Development).

The pitch surface is primarily geared towards hockey. The surface has limited use for other activities and will be at the expense of other School activities such as full team football and rugby which will be lost. The most popular sport in schools is football. Hockey is not currently on the curriculum of any secondary school in Brighton and Hove and therefore this facility will have little benefit to the School.

If the development were to include a 3G pitch instead of the hard surface required to play hockey, then hockey, football and a whole range of other sports could be played, thus benefiting both the school and community, with increased chance of success in letting.

The Council therefore has a duty to ensure that any development it is minded to fund must benefit the school and the community as a whole and not simply be seen as a means of facilitating a private commercial enterprise. This principle extends to the granting of a lease to a private body i.e. Brighton and Hove Hockey Club. It cannot be appropriate for the Council to be seen to be disposing of School Playing field in this way.

If the Council agrees to facilitate this development this Green administration would be breaking its election promise in that it would be allowing this large area of open grass to be effectively concreted over.

There are serious concerns among residents of properties in both Holmes Avenue and Nevill Avenue. Properties in Nevill Avenue have suffered substantial subsidence due to being built on clay which sits on putty chalk. The run-off from this proposed development could cause water logging at the bottom end of the school playing fields and into the gardens of residents. Further serious subsidence could therefore occur as a result, with litigation against the school/council funded by private house insurance.

Some eighty residents have had meetings to discuss how the proposed development would affect their lives. It has now been established that the site is subject to restrictive covenants in favour of the residents and so the residents have sought legal advice from Counsel. Counsel has advised that it is highly probable that a legal challenge can be instigated by the residents if the loan and lease is granted for this development to proceed and that the council would potentially become embroiled in a costly legal battle. It also is likely there would be associated costs if the council wished to apply to relax these covenants.