

LEGAL & DEMOCRATIC SERVICES
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Date: 27 February 2012

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**CULTURE, RECREATION & TOURISM CABINET MEMBER MEETING - TUESDAY,
6TH MARCH, 2012**

Please find attached for the Tuesday, 6th March, 2012 meeting of the Culture, Recreation & Tourism Cabinet Member Meeting, the following reports which have been circulated separately from the main agenda.

| Agenda No | Item |
|------------------|----------------------------|
| 73 | Operation of Saltdean Lido |
| 74 | Pride Festival Events 2012 |

Yours sincerely

Penny Jennings
Democratic Services Officer

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Please ask for:

CULTURE, RECREATION & TOURISM CABINET MEMBER MEETING

Agenda Item 73

Brighton & Hove City Council

| | | | |
|-----------------------------|--|--|---------------------|
| Subject: | Operation of Saltdean Lido | | |
| Date of Meeting: | 6th March 2012 | | |
| Report of: | Strategic Director - Communities | | |
| Lead Cabinet Member: | Culture, Recreation & Tourism | | |
| Contact Officer: | Name: | Ian Shurrock | Tel: 29-2084 |
| | Email: | ian.shurrock@brighton-hove.gov.uk | |
| Key Decision: | No | | |
| Ward(s) affected: | Rottingdean Coastal | | |

FOR GENERAL RELEASE/ EXEMPTIONS

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report is an update on the progress made on the recommendations approved at the Cabinet Member Meeting on 6th December 2011 on the operation of Saltdean Lido.
- 1.2 Saltdean Lido is an important community facility including a library and community centre as well as the Lido outdoor swimming pool and health & fitness facilities.

2. RECOMMENDATIONS:

That the Cabinet Member for Culture, Recreation and Tourism:

- 2.1 Notes that the head lessee has agreed to have without prejudice negotiations regarding the possible surrender of the lease.
- 2.2 Notes that an external Valuer has produced a valuation of the Lido for surrender and/or compulsory purchase purposes.
- 2.3 Notes that liaison with Saltdean Community Association (SCA) has been on-going, as, in accordance with the Full Council resolution, actions undertaken by the council are with a view to not prejudicing the position of the SCA.
- 2.4 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 this report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 History & Lease Arrangements

3.1.1 The history and lease arrangements were outlined in detail in the report to the 6th December Cabinet Member Meeting and will therefore not be repeated in this report. However, due to the complex arrangements in relation to the Lido, it is important that this report is not considered in isolation, as it is an update on progress since the December report.

3.2 Condition of Building

3.2.1 On 12th May 2010 the council served a notice under the lease regarding aspects of repair. The lessee has previously purported to have complied with that notice and the company's lawyers have claimed that the lessee does not need to deal with the issue of repairs referred to in the notice any further - on the grounds that the notice is defective. This is not the council's view, but in any event the issue of the condition of the building is now being considered by the local planning authority whose update appears in section 4 of this report.

3.3 Negotiated surrender of the lease

3.3.1 The lessee has agreed to the request to commence negotiations to see if surrender of the lease is possible. Fragmented management or ownership of the Lido should be avoided and it is not considered appropriate for the council to take back just the pools area or part of the complex. There is scope to seek agreement with the lessee about surrender of the whole lease, but the key aspect will be the terms including any compensation provisions.

4. THE LOCAL PLANNING AUTHORITY'S POSITION

4.1 The local planning authority has appointed a surveyor to advise on the works that would be necessary for the proper preservation of the listed building. A first stage warning letter has been sent to the head lessee expressing concern over the condition of the building and advising him of the council's powers to serve a Repairs Notice under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the powers to compulsory purchase the building lease under section 47 of that Act if such a Notice is not complied with. The head lessee was further advised that the use of these powers is being actively considered in this case. The Lido has been inspected by a conservation officer from the Heritage team together with the appointed surveyor and a schedule of works is being drawn up.

4.2 In the meantime a maintenance plan has been proposed by the lessee to the local planning authority, with a view to removing it from the At Risk Register. Subject to the local planning authority's view on the information provided, the

detailed schedule of works will be sent to the head lessee with a second stage warning letter. A verbal update will be provided at the meeting.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

- 5.1 Meetings have been held with local ward councillors, Saltdean Community Association, Save Saltdean Lido Campaign and the lessee.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 The financial implications arising from any future proposals or actions will need to be identified and reported to the appropriate council meeting in due course.

Finance Officer Consulted: Michelle Herrington

Date: 21/02/12

Legal Implications:

- 6.2 A full valuation report was received on 27th February. That report will be shared with the head lessee and will be a key part of the negotiations to see if surrender of the leases can be agreed. An oral update will be given at the meeting, which may involve going into Part II confidential session. Given the public interest, a version of the report will be put on the council's website for information.

Lawyer Consulted: Bob Bruce

Date: 27/02/12

Equalities Implications:

- 6.3 The council seeks to provide a range of opportunities for residents to participate in sport and community activities across the city.

Sustainability Implications:

- 6.4 The efficient operation and effective maintenance of the facilities has implications for the long term sustainability of the Lido complex.

Crime & Disorder Implications:

- 6.5 There are no direct crime and disorder implications but the provision of sport and leisure opportunities can help to reduce anti-social behaviour.

Risk and Opportunity Management Implications:

- 6.6 As with any leased facility where the risk of operation has been transferred to the head lessee, there is a risk of non compliance with the terms of the lease.

Public Health Implications:

6.7 Opportunities to participate in sport and physical activity, community activities and access to a local library are all very important to the health and well-being of the city's residents.

6.8 Corporate / Citywide Implications:

Saltdean Lido is an important recreation resource for the city.

7. EVALUATION OF ANY ALTERNATIVE OPTION(S):

7.1 As indicated in the December 2011 report, there are 3 options – (a) seek compliance with the lease, (b) seek a negotiated surrender of the whole lease or part of the lease and (c) seek to take back the lease through forfeiture or compulsory purchase.

7.2 Option (b) is now being pursued with the lessee as per 3.3 but greater focus may return to Option (a) if a negotiated surrender cannot be achieved. Option (c) still remains as the last resort.

8. REASONS FOR REPORT RECOMMENDATIONS

8.1 The issues in relation to the operation of Saltdean Lido are complex and there is not a simple and easy resolution to the matter. Therefore, this report is an update on the progress on a range of actions agreed in December 2011 which are on-going.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. Report to the Cabinet Member Meeting on 6th December 2011.