

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

4.00pm 6 DECEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

Present: Councillor Bowden (Cabinet Member)

Also in attendance: Councillor: Brown, Spokesperson, Conservative Party and Councillor Fitch, Opposition Spokesperson, Brighton Labour and Co-operative Party

Minute Extract

40. OPERATION OF SALTEAN LIDO

- 40.1 The Cabinet Member considered a report of the Strategic Director, Communities detailing issues in relation to the operation of Saltdean Lido. At full Council on 20 October 2011 a petition had been presented and two deputations received which had been received at items 33 and 36 on that days agenda and had led to the issues raised being referred to the Cabinet Member Meeting. The Cabinet Member stated that he had agreed to permit individuals representing interested parties to speak for a period not exceeding three minutes in order to give their perspective. He understood that the issues were complex and were potentially emotive. However, he urged all parties to treat each other with respect.
- 40.2 Before proceeding to consideration of the report each of the following spoke in respect of Saltdean Lido. It was noted that the lessee Mr Audley, on behalf of the lessee company, had been invited to attend that day's meeting but had been unable to attend and had circulated a note which had been circulated in his absence and would be appended to the approved minutes.

Councillor David Smith

- 40.3 Councillor Smith spoke in his capacity as a Local Ward Councillor also on behalf of his ward colleague Councillor Mears. He was aware of the on-going discussions which had taken place since 2002. During that time notwithstanding that the Council had made it clear that the site should be retained for sporting and community use the lessee had repeatedly failed to maintain the building to and to honour the terms of the lease. This matter

needed to be progressed as a matter of urgency .If negotiations could not be successfully concluded with the lessee he urged that action should be taken by the Planning Committee under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ms Rebecca Crook, “Save Saltdean Lido”

- 40.4 Ms Crook spoke on behalf of “Save Saltdean Lido Campaign”, She explained that this unique listed building of its period, was now on the English Heritage “Buildings at Risk” Register. A meeting had been held the previous Sunday attended by 250 people all of whom had expressed support for urgent measures to protect and preserve the designated use of the building. The level of affection and support for the building was evidenced by the fact that the recent petition to the Council had contained the largest number of signatures ever. There was a tremendous sense of frustration that the Council had been unable to progress the matter more rapidly and there was now a tremendous sense of urgency to progress improvements and to ensure that the Lido was open for the requisite number of days each year.
- 40.5 The “Save Saltdean Lido” team had devised a robust and viable business plan for operation of the Lido and would be happy to enter into detailed discussions with the Council to that end. Mr Audley, on behalf of the lessee was not present that day and to them that spoke volumes. There was a need for urgent action and it was disappointing that a further delay was likely if a further report would not be brought before the cabinet member until the next scheduled cabinet member meeting in March 2012.

Mr L O’Connor, Saltdean Resident’s Association

- 40.6 Spoke on behalf of members of Saltdean Residents Association. The Head Lessee had repeatedly flouted their obligations in terms of maintenance of this facility for a long time and urgent action was required. The various options to the Council were noted and in the event that all else failed their preference would be for the building to be compulsorily purchased.

Mrs L Lee, Saltdean Community Association

- 40.7 Mrs Lee spoke on behalf of the Saltdean Community Association. Whilst in agreement that the matter needed to be progressed she was also aware of the legal processes which needed to be observed. Regular weekly events took place at the Lido with use for other occasional events as well. The SCA had limited financial means at their disposal but had nonetheless been instrumental in helping to keep the Lido in use. Feelings were running very high and the views put by representatives of “Save Saltdean Lido” were not the only ones which needed to be considered. Some members of the Community Association had been subjected to considerable personal unpleasantness and this was regrettable as all local groups and those representing the wider community had a common interest and goal.

- 40.8 The Saltdean Community Association wished to facilitate and support an early and appropriate resolution of the current problems.

Discussion and Debate

- 40.9 The Cabinet Member noted all that had been said, also noting that the building and the resource which it provided was treasured by many and considered it important that the local community groups worked together rather than in competition with one another.
- 40.10 The Head of Planning Strategy explained the context of the buildings inclusion on the “Buildings at Risk” register and the time frame for any action being taken under planning legislation. It was important that the building was maintained to the appropriate standard so that it could then be removed from the register. However, whilst compulsory purchase might be a route it was a local planning authority consideration linked to whether or not the Planning Committee agreed to the service of a Section 48 Notice and then whether or not the Notice was complied with. This was a relatively lengthy process in view of the timeframes for compliance which were built into it.
- 40.11 The Principal Solicitor clarified that the length of the head lease was a key issue in that a long lease gave greater security to the head lessee and it was difficult for a landlord to secure forfeiture of a 125 year lease through court action. The position was further complicated by the provisions regarding contributions to be made by the Saltdean Community Association. The 3 options available to the Council were (a) to seek compliance with the lease, (b) to seek a negotiated surrender of the whole lease or part of the lease and (c) to seek to take back the lease through forfeiture or compulsory purchase. Option C represented the last resort as forfeiture proceedings were expensive and protracted and the court encouraged landlords and tenants to settle their differences by agreement. There was no quick or easy fix to this complex legal situation.
- 40.12 Councillor Fitch expressed concern at the potential further delay which might occur if a report was not put to Planning Committee at the earliest possible time seeking their agreement to service of a notice under section 48 of the Planning Act. Councillor Fitch requested the Cabinet Member to consider authorising such action at that day’s meeting. The Cabinet Member stated however that he was mindful of the advice given by officers, both in the report before him and also orally at the meeting. Considerable action had already been taken by the Council and it was important to take the appropriate action in a structured and methodical way. The Council was anxious for progress to be achieved, however it needed to be recognised that this would not be a rapid process. There would be no undue delay as a further report would be submitted to the next scheduled Cabinet Member Meeting on 6 March 2012 . He was therefore minded to agree the recommendations as set out in the report.

- 40.13 **RESOLVED –**

- (1) That the Cabinet Member for Culture, Recreation and Tourism notes the terms of the lease between the council as landlord and Power Fitness Limited (“PFL”) as the head lessee which operates the Lido complex and determines the action that can be taken by the council as landlord in respect of the facility;
- (2) notes that the council on 12th May 2010 served a notice under the lease requiring certain works to be carried out, that the lessee claims to have complied with that notice and that negotiations with the lessee in that regard are ongoing;
- (3) notes that the resolution of full Council at its meeting of 20th October 2011 includes reviewing the options available in relation to getting a resolution to the current impasse and the taking of early actions that would facilitate the repair and refurbishment of the Lido which do not prejudice the position of the Saltdean Community Association, who are tenants of PFL;
- (4) requests the local planning authority to consider whether or not action can be taken under sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (5) approves the introduction of monitoring arrangements of the Lido pools during next season;
- (6) agrees that senior officers should continue to liaise with the local planning authority and seek a negotiated way forward with the lessee, including if satisfactory terms can be agreed, surrender of the head lease back to the council;
- (7) instructs officers to urgently seek a valuation of the Lido for surrender or compulsory purchase purposes; and
- (8) agrees that a further progress report should be brought to the next Culture Recreation & Tourism Cabinet Member Meeting unless a report can be taken sooner to Cabinet.