

Alex Bailey  
Acting Chief Executive  
Brighton & Hove Council  
King's House, Hove

17<sup>th</sup> February 2009

### **Request for Call-in of Cabinet decision Ice Rink, Queen Square**

Dear Mr Bailey,

Please consider our request for a Call-in for scrutiny by the relevant Overview and Scrutiny Committee, of the decision taken by Cabinet on 12<sup>th</sup> February 2009 regarding the Ice Rink, Queen Square, Brighton.

In requesting a Call-in we believe that the Cabinet have failed to follow the expectations of Article 13.01 of the Council's Constitution on two accounts: a) in regard to due consultation and b) presumption towards openness.

#### **a) failure to consult**

In compiling the report presented at Cabinet and the informal planning brief, no consultation took place with ward councillors or other effected parties (eg. the SNCGSA, Wykeham Terrace Residents Association Ltd or St Nicholas Church PPC). At the meeting, the Leader of the Council, Cllr Mary Mears, admitted that ward councillors had not been consulted, and while making an apology stated how seriously she regards the importance of consulting with ward councillors and others.

#### **b) failure to be open**

In failing to involve the ward councillors and the other effected parties in the development of the report and the informal planning brief for the proposed development site, the Cabinet has failed the presumption towards openness.

There was also a failure on the part of Cllr Mears, as Chair of the Cabinet, to ensure that the Cabinet made the decision with full knowledge of the relevant background information - including the planning brief which is cited but not appended to the papers considered (nor is this even listed as a background document, and so wasn't made available to members).

This is especially important as we feel the summary of the planning brief as laid out in the main body of the report is not correct on a number of accounts.

Of particular relevance is the failure of the report to accurately reflect all the reasons given in the planning brief for the failure of a previous proposed development. No reference is made to the important statement: "... the

preferred developer eventually withdrew from the scheme. This was partly on account of the need to scale back the size of their proposed scheme to meet the concerns of the local planning authority's officers in respect of visual impact on nearby Grade II listed buildings on Wykeham Terrace, ...". Readers are therefore left with the false impression that the only reason the previous proposal failed was because the scheme didn't overcome the D2 designation - a matter which the current proposal, we are amply informed, will successfully address.

Moreover, the report notes that the proposed development is "... for a high quality hotel scheme of approximately 85 rooms arranged over 5/6 floors...", yet fails to mention the planning brief's extensive arguments for limiting the highest point of the development to just 4 storeys.

We do not therefore believe Cabinet were in a position to make an informed and impartial decision.

We believe that our request satisfies the criteria for Call-in in that the decision by Cabinet was not taken in accordance with Article 13 of the Constitution (Para. 16.2, Part 6.1 Overview and Scrutiny Functions and Procedures).

If our Call-in request is accepted we would like to suggest that when the relevant Overview and Scrutiny Committee is considering whether or not to refer the decision back (Para. 16.7, Part 6.1 Overview and Scrutiny Functions and Procedures), then it may wish to take account of the possibility for a fresh decision following consultation on the planning brief and Cabinet report. In particular that fresh decision could include the recommendation to formalise the planning brief, with for example, a strict limit of 4-storeys placed upon the maximum height of any development.

Yours sincerely,

1. Cllr Pete West
2. Cllr Amy Kennedy
3. Cllr Ian Davey
4. Cllr Georgia Wrighton
5. Cllr Jason Kitcat
6. Cllr Keith Taylor

7. Cllr Sven Rufus
8. Cllr Bill Randall
9. Cllr Paul Steedman