

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

**4.00pm 6 DECEMBER 2011**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Bowden (Cabinet Member)

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

**PART ONE**

**30. PROCEDURAL BUSINESS**

**30(a) Declarations of Interests**

30.1 There were none.

**30(b) Exclusion of Press and Public**

30.2 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Cabinet Member considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(I) of the Act).

30.3 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

**31. MINUTES OF THE PREVIOUS MEETING**

31.1 **RESOLVED** – That the minutes of the Culture, Recreation & Tourism Cabinet Member Meeting held on 6 September 2011 be agreed and signed by the Cabinet Member as a correct record of the proceedings.

**32. CABINET MEMBER'S COMMUNICATIONS**

**Royal Pavilion and Museum Services**

- 32.1 It was noted that EU funding had just been granted to the Council for its “Great War Between the Lines” project.

### **Ice Rink at Royal Pavilion**

- 32.2 The Royal Pavilion Ice Rink had returned on the 12 November and would continue until 22 January 2012. Once again it was proving very popular and successful and its appearance and layout had been improved upon from the previous year.

### **Admissions**

- 32.3 Visitor numbers across all sites had continued to rise. The service had had 489,000 visits so far that year an increase of 42,000 on 2010. Hove Museum had had its busiest first 7 months since 2004 thanks to the success of family events with 5,400 visits to the popular “Robots” exhibition in October alone.

### **Royal Pavilion and Museums Foundation**

- 32.4 Membership was on target to reach 3,000, up from 1,000 a year ago. The fundraising team had raised over 170,000 in quarters one and two.

### **Smartphone App**

- 32.5 The Royal Pavilion and Museum had launched its app in mid October. Developed by local business Surface Impressions, it had already been downloaded some 500 times. The city museum service was one of only a few in the UK to have an app.

### **Sports**

#### **City Sports and Physical Activity Awards**

- 32.6 The fourth City Sports and Physical Activity Awards had been held At the Amex Community Stadium in October. The awards were sponsored by Freedom Leisure and NHS Brighton and Hove, a successful showcase for the many performances and contribution that were made by the city’s athletes, voluntary coaches and administrators.

#### **Run the World**

- 32.7 “Run the World” a new running event for primary school children had been held in Hove Park, Preston Park and East Brighton Park in October. In total 4238 children from 23 primary schools had each run 1km. The event had been organised by Grounded Events who also organised the Brighton Marathon.

### **Culture**

#### **Cine City**

- 32.8 The city’s film festival had taken place in November this had been the ninth festival and there had been a wide ranging and impressive programme. Oska Bright had also taken place in November, a festival of short films and digital media made by people with

learning disabilities. This had been the fifth edition of this international film festival which had been held over three days.

- 32.9 A new initiative for the city was 16 days a programme of events to mark the international day for the elimination of violence against women which had run from 25 November to 10 December.
- 32.10 Following the success of the recent “White Night” event, a review was being undertaken to seek to effect further improvements for future events.

## **Tourism**

### **VisitBrighton Convention Bureau**

- 32.11 The Cabinet Member was pleased to be able to report that Visit Brighton Convention Bureau had recently won the Best Use of Budget Award at the Meetings Industry Marketing Awards, for its Brighton UnConventional Farm Trip, beating Banks Sadler, Kuala Lumpur Convention Centre and QMH Hotels. Brighton and Hove had also been runner up in the Sunday Times Travel Magazine Readers Award 2011, for UK City Break category, beaten only by London and Edinburgh.

### **Libraries-News of Another Ward**

- 32.12 Council Connect, a new service operation in community libraries, had recently scooped top prize in the “innovation and progress” category of the Guardian’s Public Services Awards.

## **33. ITEMS RESERVED FOR DISCUSSION**

- 33.1 RESOLVED** - That all items be reserved for discussion.

## **34. PETITIONS**

### **(i) Petition – “The Future of Saltdean Lido”**

- 34.1 The content of the petition in relation to the combined paper and petition entitled “The Future of Saltdean Lido” containing 2,913 signatures, presented at Council on 20 October 2011 was received and noted. An extract of the minutes of Council was appended to the agenda.
- 34.2 **RESOLVED** – That the content of the petition be received and noted.

## **35. PUBLIC QUESTIONS**

- 35.1 There were none directly, but the Cabinet Member had agreed in advance of the meeting that he would allow all interested parties to speak for a period not exceeding 3 minutes in relation to the report in relation to the “Operation of Saltdean Lido” set out at Item 40 below.

**36. DEPUTATIONS**

36.1 The Cabinet Member considered a the content of two deputations in relation to two deputations in relation to Saltdean Lido presented at Council on 20 October 2011. The deputations had been presented by:

Simon Kirby MP; and  
Mr T Frisby

36.2 An extract from the minutes setting out the content of both deputations and the response given by the Cabinet Member at Council were appended to the agenda for this meeting.

36.3 **RESOLVED** – That the contents of the deputations be received and noted.

**37. LETTERS FROM COUNCILLORS**

37.1 There were none.

**38. WRITTEN QUESTIONS FROM COUNCILLORS**

38.1 There were none.

**39. NOTICES OF MOTION**

39.1 There were none.

**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 12<sup>th</sup> 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 20<sup>th</sup> 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.

#### **41. ROYAL PAVILION AND MUSEUMS' INTERREG IVA BIDS**

- 41.1 The Cabinet Member considered a report of the Strategic Director, Communities stating that the City Council was in principle and pending funding agreement, a partner in three Interreg Iva projects via the Royal Pavilion and Museums. These were “Artistic Visions of the Channel and North Sea”, “Great War Between the Lines” and “Out of the Blue – Woad: Heritage and Creativity” (full details of each of these was set out in Appendix 1 to the report). The report sought endorsement of the Council’s participation in all three of the above Interreg IVa bids, should the applications for EU funding be successful.
- 41.2 Whilst welcoming the proposals Councillor Brown sought confirmation that they would proceed on the basis of matched funding being received. It was confirmed that this would be the case and that these projects would go forward on a pro rata basis if full funding was not realised. Councillor Fitch asked whether the projects would be funded from revenue budgets rather capital and it was confirmed that they would.
- 41.3 **RESOLVED** - That the Cabinet Member for Culture, Recreation and Tourism endorses the city council to proceed with the Interreg IVa projects ‘Artistic Visions of the Channel and North Sea’, ‘Great War Between the Lines’, and ‘Out of the Blue - Woad: Heritage and Creativity’ should the bids be successful.

#### **42. REVIEW OF VISIT BRIGHTON CONVENTION BUREAU CONFERENCE PARTNERSHIP**

42.1 It was agreed by the Cabinet Member that in view of the volume of business to be transacted consideration of this item would be deferred for determination at a special Cabinet Member meeting to take place in January/February 2012.

**43. SPECIAL EVENTS:MADEIRA DRIVE ROAD CLOSURES 2012**

43.1 The Cabinet Member considered a report of the Strategic Director, Communities which set out the proposed programme of- special events on Madeira Drive in 2012 and sought approval for the associated road closures.

42.2 Councillors Brown and Fitch welcomed the report and were pleased to note that in addition to established events, there were also some new ones for 2012 including community charity events. It was noted in answer to questions that community events paid a reduced rate.

43 3 **RESOLVED** – That the Cabinet Member agrees the proposed programme of special events on Madeira Drive in 2012 and gives approval for the associated road closures.

**44. EVENTS IN PARKS AND OPEN SPACES**

44.1 The Cabinet Member considered a report of the Strategic Director, Communities requesting that landlord's consent be given for events in parks and open spaces in 2012.

44.2 Councillor Brown was pleased to note that the city had been chosen to host the Olympic torch on Hove lawns on Monday 16 July 2012. In answer to questions it was confirmed that Local Ward Councillors would be fully consulted in relation to the proposed "Barricade" event to be held in Hove Park on 5 May 2012, especially in relation to the car parking arrangements to be put into place.

44.3 **RESOLVED** – (1) That the Cabinet Member for Culture, Recreation and Tourism approves the events listed in the report;

(2) Authorises officers to enter into formal agreements with event organisers to determine conditions, fees and levels of support as appropriate;

(3) Approves the proposal regarding Hove Lawns - not to use the eastern most lawn for staging events in 2012 other than the two events specifically referred to in 3.2; and

(4) Authorises the Strategic Director: Communities, after consultation with the Cabinet Member for Culture Recreation & Tourism, to make any alterations to the events programme as necessary and to approve new applications in accordance with the Outdoor Events Policy

**45. BEACH CHALET CONSULTATION**

45.1 The Cabinet Member considered a report of the Strategic Director , Communities which provided an update on the consultation undertaken on the letting policy for beach chalets at

Ovingdean, Rottingdean, Saltdean, Madeira Drive and Hove Seafront. This report was one of several that were being considered in relation to fees and charges for the next financial year (2012/13) across the wide range of services within the cabinet member's portfolio. For the financial year 2013/14 an overall review would be undertaken with the wide range of fees and charges considered together rather than individually.

- 45.2 Councillor Brown enquired why the charges for chalets in Hove were higher than at other locations in the city. It was explained that they had the benefit of superior facilities e.g. electricity and running water.
- 45.3 In answer to further questions it was clarified that the levels of fees suggested were intended as a means of facilitating a fairer means of allocating chalets in future. It was also noted that the waiting list for all chalets had been closed for a long while.
- 45.4 **RESOLVED** - (1) That the Cabinet Member for Culture, Recreation and Tourism notes the results of the consultation exercise on amending the policy for letting beach chalets to existing tenants.
- (2) That the Cabinet Member for Culture, Recreation and Tourism does not change at the present time the existing policy for letting beach chalets to existing tenants that are residents of Brighton and Hove. This will be reviewed in one year to assess whether the price increases in recommendations (3) and (4) have increased the movement in the waiting lists.
- (3) That the Cabinet Member for Culture, Recreation and Tourism approves a proposed 10 % increase in the annual rents for chalets for tenants that are residents of Brighton & Hove.
- (4) That the Cabinet Member for Culture, Recreation and Tourism approves a rental charge for chalets for tenants that are not residents of Brighton & Hove that is 20% higher than for residents with existing tenancies.
- (5) That the Cabinet Member for Culture, Recreation and Tourism approves a proposed increase of 5% for tenants on fixed term tenancies; and
- (6) That the Cabinet Member for Culture, Recreation and Tourism does not introduce an annual lottery draw for chalet tenancies.

#### **46. SEAFRONT FEES AND CHARGES**

- 46.1 The Cabinet Member considered a report of the Strategic Director, Communities setting out the proposed rent increase to the annual ground rent for beach huts along Hove seafront, the beach hut transfer administration fee and for fishing lockers and boat licenses on both Brighton and Hove beaches. The proposed fees and charges to passengers using the Volks Railway were also set out.
- 46.2 It was explained in answer to questions that over the coming year means by which the operation of the Volks Railway could be enhanced which might also support opportunities for income growth would be explored.
- 46.3 **RESOLVED** - That the Cabinet Member for Culture, Recreation and Tourism agrees the fees and charges as set out in this report.

**47. SPORT FACILITIES CONTRACTS: FEES AND CHARGES 2012//13**

- 47.1 The Cabinet Member considered a report of the Strategic Director, Communities setting out the proposed fees and charges for 2012/13 for the Sports Facilities Management Contract with Freedom Leisure and the Golf Courses Management Contract with Mytime Active. For the financial year 2013/14 an overall review would be undertaken with the wide range of fees and charges considered together rather than individually. The intention being to achieve a more consistent approach to the increases proposed across a wide range of services.
- 47.2 Councillor Brown whilst generally supporting the levels of fees proposed considered that those proposed for Hove Park appeared high and hoped that this would not result in a fall in Membership. It was explained that these reflected the quality of the facilities available and that a very positive meeting had taken place in relation of the levels of charges proposed. It was also noted that the charges, including those for season tickets in respect of Hollingbury Park Golf Course reflected the high standards of that course. In considering the levels of fees proposed research was carried out regarding fees charges by other authorities for comparable facilities. The quality and cost of city facilities compared very favourably with those charged by other authorities.
- 47.3 **RESOLVED** (1) That the Cabinet Member approves the proposed fees and charges for 2012/13 for the Sports Facilities Management Contract; and
- (2) That the Cabinet Member approves the proposed fees and charges for 2012/13 for the Golf Courses Management Contract.

**48. LIBRARIES FEES AND CHARGES**

- 48.1 The Cabinet Member considered a report requesting his agreement to the fees and charges for Libraries Services for 2012-13.
- 48.2 Under the Corporate Fees and Charges Policy, the Council was required to carry out an annual review in line with policy. It was proposed to make only limited changes to fees and charges for 2012, because substantial changes had been made two years previously and to reflect the fact that current economic position for some residents of the city remained volatile. The annual increases in income targets for inflation, together with other service pressures, would be met through a mixture of increased income from fees and charges and improved performance in relation to the room hire and retail offer.
- 48.2 Councillor Fitch considered that there were a number of germane issues in relation to fees and charges, stating that he would reserve any comments he might wish to make until this and other fees and charges reports were considered by full Cabinet.
- 48.3 **RESOLVED** - That the Cabinet Member for Culture, Recreation and Tourism agrees the Libraries Fees and Charges proposals for 2012-13.

**49. VENUES: FEES AND CHARGES**

- 49.1 The Cabinet Member considered a report of the Strategic Director, Communities proposing that he agree the fees and charges for 2012-13. for the Brighton Centre, Hove Centre and Royal Pavilion and Museums hires. This report was one of several considered in relation to fees and charges for the 2012/13 financial year across the wide range of services within the Cabinet Members portfolio. Whilst services were positively engaged in collaborative working, currently each report had been considered individually and recommendations made in relation to the specific issues of the services being provided.
- 49.2 For the financial year 2013/14 an overall review would be undertaken with the wide range of fees and charges considered together rather than individually. The intention was to achieve a more consistent approach to the increases that were proposed across the wide range of services.
- 49.3 **RESOLVED** – (1) That the Cabinet Member approves the Fees and Charges as shown in Appendices 1 (Hove Centre) and 2 (Brighton Centre) and 3 (Royal Pavilion and Museums) in order that they can be incorporated into the 2012/13 Revenue Budget and Venues and Royal Pavilion and Museums' Business Plan; and
- (2) In addition, the Cabinet Member authorises officers to negotiate with each hirer in order to secure the event, maximise revenue to both the service and the economic impact to the city.

The meeting concluded at 5.40pm

Signed

Chair

Dated this

day of