



Brighton & Hove
City Council

Overview & Scrutiny

Title:	Overview & Scrutiny Commission Call-in Meeting
Date:	21 November 2011
Time:	5.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Mitchell (Chair), Janio (Deputy Chair), Brown, Follett, Littman, Morgan, K Norman, Powell, Rufus and Summers
Contact:	Tom Hook Head of Overview & Scrutiny 29-1110 tom.hook@brighton-hove.gov.uk

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AGENDA

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<i>Contact Officer: Tom Hook</i>	<i>Tel: 29-1110</i>
<i>Ward Affected: All Wards</i>	

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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If you have any queries regarding this, please contact the Head of Scrutiny or the designated Scrutiny Support Officer listed on the agenda.

For further details and general enquiries about this meeting contact Mary van Beinum, Overview & Scrutiny Support Officer, (29-1062, email mary.vanbeinum@brighton-hove.gov.uk) or email scrutiny@brighton-hove.gov.uk

Agenda Item 50

To consider the following Procedural Business:-

A. Declaration of Substitutes

Where a Member of the Committee is unable to attend a meeting for whatever reason, a substitute Member (who is not a Cabinet Member) may attend and speak and vote in their place for that meeting. Substitutes are not allowed on Scrutiny Select Committees or Scrutiny Panels.

The substitute Member shall be a Member of the Council drawn from the same political group as the Member who is unable to attend the meeting, and must not already be a Member of the Committee. The substitute Member must declare themselves as a substitute, and be minuted as such, at the beginning of the meeting or as soon as they arrive.

B. Declarations of Interest

- (1) To seek declarations of any personal or personal & prejudicial interests under Part 2 of the Code of Conduct for Members in relation to matters on the Agenda. Members who do declare such interests are required to clearly describe the nature of the interest.
- (2) A Member of the Overview and Scrutiny Commission, an Overview and Scrutiny Committee or a Select Committee has a prejudicial interest in any business at meeting of that Committee where –
 - (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken the Member was
 - (i) a Member of the Executive or that committee, sub-committee, joint committee or joint sub-committee and
 - (ii) was present when the decision was made or action taken.
- (3) If the interest is a prejudicial interest, the Code requires the Member concerned:-
 - (a) to leave the room or chamber where the meeting takes place while the item in respect of which the declaration is made is under consideration. [There are three exceptions to this rule which are set out at paragraph (4) below].
 - (b) not to exercise executive functions in relation to that business and

(c) not to seek improperly to influence a decision about that business.

(4) The circumstances in which a Member who has declared a prejudicial interest is permitted to remain while the item in respect of which the interest has been declared is under consideration are:-

- (a) for the purpose of making representations, answering questions or giving evidence relating to the item, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, BUT the Member must leave immediately after he/she has made the representations, answered the questions, or given the evidence,
- (b) if the Member has obtained a dispensation from the Standards Committee, or
- (c) if the Member is the Leader or a Cabinet Member and has been required to attend before an Overview and Scrutiny Committee or Sub-Committee to answer questions.

C. Declaration of Party Whip

To seek declarations of the existence and nature of any party whip in relation to any matter on the Agenda as set out at paragraph 8 of the Overview and Scrutiny Ways of Working.

D. Exclusion of Press and Public

To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

Note: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is confidential and therefore not available to the public.

A list and description of the exempt categories is available for the public inspection at Brighton and Hove Town Halls.

OVERVIEW AND SCRUTINY COMMISSION

Agenda Item 51

Brighton & Hove City Council

Subject: Call in Request: Blatchington Mill School Hockey Pitches

Date of Meeting: 21 November 2011

Report of: Strategic Director, Resources

Contact Officer: Name: Tom Hook Tel: 29-1110
E-mail: Tom.Hook@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 7, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) was the information contained within the reports was not available in time to meet dispatch deadlines.

1. PURPOSE OF REPORT:

- 1.1 To determine whether to ask the Cabinet to reconsider its decision in relation to Blatchington Mill School Hockey Pitches which was taken at the Cabinet Meeting on 10 November 2011.
- 1.2 The following information is contained in the appendices to this report:
 - a. **Appendix 1** contains the Call-In request;
 - b. **Appendix 2** contains the report from the Strategic Director, Resources which was agreed at the 10 November Cabinet meeting;
 - c. **Appendices 2A, 2B and 2C** contain a Petition, Public Questions and a Deputation to 10 November Cabinet meeting
 - d. **Appendix 3** contains the official record of Cabinet's Decision in relation to this report;
 - e. **Appendix 4** contains an extract from the draft minutes of the Cabinet meeting;
 - f. **Appendix 5** contains further information from the Director of Finance.
 - g. **Appendices 6 and 6A** contain further information supplied by Blatchington Mill School

2. RECOMMENDATIONS:

- 2.1 (a) To note the decision taken by the Cabinet on the 10 November 2011 in relation to Blatchington Mill School Hockey Pitches;
- (b) To note the subsequent Call-In request;
- (c) To note the additional information supplied by the Director of Finance.
- 2.2 Having regard to the grounds for Call-In, to determine whether to refer the decision back to the Cabinet for reconsideration.

3. BACKGROUND INFORMATION

- 3.1 On 10 November 2011 the Cabinet received a petition, public questions and a Deputation (**Appendices 2A, 2B and 2C**) and agreed a report on Blatchington Mill School Hockey Pitches (This report is reprinted in **Appendix 2**).
- 3.2 Further information from the Director of Finance and from Blatchington Mill School is contained in **Appendices 5, 6 and 6A**.
- 3.3 On 11 November 2011, Councillor Mitchell wrote to the Chief Executive, requesting that the Cabinet decision be called in. (The Call-In request is reprinted as **Appendix 1** to this report.)
- 3.4 The Chief Executive accepted the Call-In request on 11 November and asked for the issue to be considered at the Overview and Scrutiny Commission within seven working days.
- 3.5 Call-In is the process by which Overview & Scrutiny Committees can recommend that a decision made (in connection with Executive functions) but not yet implemented be reconsidered by the body which originally took the decision.
- 3.6 Call-In should only be used in exceptional circumstances, for instance where there is evidence that an important decision was not taken in accordance with the Council's constitution.
- 3.7 An Overview & Scrutiny Committee examining a decision which has been Called-In does not have the option of substituting its own decision for that of the original decision. The Overview & Scrutiny Committee may only determine whether or not to refer the matter back to the original decision making body for reconsideration.
- 3.8 In referring the decision back to Cabinet the Overview and Scrutiny Committee may attach recommendations for the Cabinet as to a new

course of action or a preferred alternate decision. Cabinet is however free to take the same decision again, or amend the decision in the light of the issues raised by the Overview and Scrutiny Committee.

3.9 In determining whether to refer a decision back to its originating body for reconsideration, the Overview & Scrutiny Committee should have regard to the criteria for Scrutiny reviews, as set out in the Council's constitution (Part 6.1.4.2) namely,

- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
- Whether there is evidence that the decision-making rules in Article 13 of the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
- The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services;
- What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Executive Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.);
- The proposed scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests.

3.10 In addition, the Committee should take into account:

- Any further information which may have become available since the decision was made
- The implications of any delay; and
- Whether reconsideration is likely to result in a different decision.

4. CONSULTATION

4.1 No formal consultation has been undertaken in regard to this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Please see the original Cabinet report and **Appendix 5** for the financial implications relating to the decision.

Legal Implications:

- 5.2 Call-in is a process by which overview and scrutiny ('O & S') committees can recommend that an executive decision made but not yet implemented be reconsidered by the decision-maker. Call-in does not provide for the O & S committee to substitute its own decision, but merely to refer the matter back to the decision-maker. That person or body can only be asked to reconsider any particular decision once.

In deciding whether or not to refer the decision back, the relevant O & S committee (here the O & S Commission), shall have regard to the following criteria:

- (i) the importance of the decision called-in, and the extent to which it relates to the achievement of the council's strategic priorities, the implementation of its policies or other key issues affecting the well-being of the City or its communities
- (ii) whether there is evidence that the decision-making rules in Article 13 of the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision made is not in accordance with a policy agreed by Full Council
- (iii) any further information that may have become available since the decision was made
- (iv) the implications of any delay in implementing the decision
- (v) whether reconsideration is likely to result in a different decision

If, having scrutinised the decision taken by 11 November Cabinet, OSC is still concerned about it, OSC may refer the decision back to Cabinet for reconsideration, setting out in writing the nature of its concerns.

If the decision is referred back, the Cabinet shall reconsider whether to amend the decision or not before reaching a final decision and implementing it. This reconsideration shall take place either at the next programmed meeting of the Cabinet or at a special meeting called for the purpose.

Legal Implications relating to the property transaction are contained in the original report to Cabinet and members will be updated on any new information (especially counsel's advice) that may be received by the date of the Overview and Scrutiny Commission meeting.

Lawyer Consulted: Anna MacKenzie Date: 16 November 2011

Equalities Implications:

- 5.3 There are no direct equality implications to this report, although the 10 November Cabinet decision was made with regard to the equality implications contained within the original report of the Strategic Director, Resources.

Sustainability Implications:

- 5.4 There are no direct sustainability implications to this report, although the 10 November Cabinet decision was made with regard to the sustainability implications contained within the original report of the Strategic Director, Resources.

Crime & Disorder Implications:

- 5.5 There are no direct crime & disorder implications to this report, although the 10 November Cabinet decision was made with regard to the crime & disorder implications contained within the original report of the Strategic Director, Resources.

Risk and Opportunity Management Implications:

- 5.6 The Call-In procedure seeks to provide a system via which important decisions can be re-examined in a timely fashion, so as to ensure that the Council is not unnecessarily exposed to risk associated with taking decisions contrary to established procedure, whilst also minimising risk inherent in unduly delaying the decision making process.

Corporate / Citywide Implications:

- 5.7 There are no direct corporate/citywide implications to this report, although the 10 November Cabinet decision was made with regard to the corporate/citywide implications contained within the original report of the Strategic Director, Resources.

SUPPORTING DOCUMENTATION

Appendices:

1. **Appendix 1** contains the Call-In request;
2. **Appendix 2** contains the report from the Strategic Director, Resources which was agreed at the 10 November Cabinet;
3. **Appendices 2A, 2B and 2C** contain a Petition, Public Questions and a Deputation to 10 November Cabinet meeting
4. **Appendix 3** contains the official record of the Cabinet's Decision in relation to this report;
5. **Appendix 4** contains the minutes of the Cabinet meeting;
6. **Appendix 5** contains further information on this issue supplied by the Director of Finance.
7. **Appendices 6 and 6A** contain further information supplied by Blatchington Mill School

Documents in Members' Rooms:

There are none.

Background Documents:

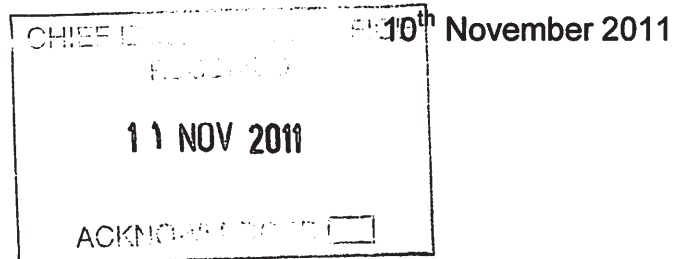
1. The Council's Constitution



**Brighton & Hove
City Council**

COUNCILLOR GILL MITCHELL
Leader, Labour & Co-operative Group
Brighton & Hove City Council
Room 122, King's House
Grand Avenue, Hove
BN3 2LS

John Barradell
Chief Executive
Brighton & Hove City Council



Dear John,

Re: Call-in Request: Blatchington Mill School Hockey Pitches

I am writing to request a call-in of the decision taken by Cabinet on 10th November regarding Agenda Item 122, Blatchington Mill School Hockey Pitches.

I believe that this decision taken by Cabinet was not taken in accordance with Article 13 of the Constitution ('Decision Making'), principally due to its lack of openness.

The Cabinet decision included a loan from the Council to Blatchington Mill School of £350,000, funded through unsupported borrowing, but further details were laid out in a business plan which was not appended to the report.

The report refers to a Business Plan several times, mainly when reviewing the financial implications of the decision. The report states that the Business Plan:

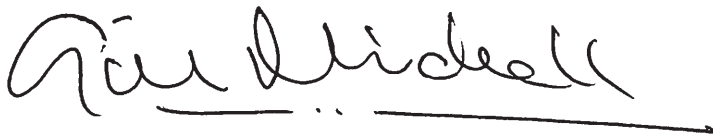
- (a) shows the repayments of interest and principal are affordable to the school;
- (b) considers the potential income and expenditure in relation to the development and to assess the financial risk;
- (c) is self-financing;
- (d) results in a break-even position in terms of potential cash flows, even on a worse scenario; and
- (e) assesses the risks and opportunities of management implications.

Furthermore, given that this decision would seem to place quite a significant financial burden on one of the city's schools, it is important to understand the ability of the school to pay off the loan. Therefore, the inclusion of the Business Plan is all the more critical.

In summary, it seems that the Business Plan holds a significant amount of information leading to how this decision was made, especially relating to financial implications. I therefore believe its exclusion as part of this report contravenes the "presumption in favour of openness" mentioned in Article 13 of the Constitution.

I therefore request that the decision is scrutinised along with sight of the Business Plan, before the final decision is taken.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gill Mitchell', with a long horizontal line extending to the right from the end of the signature.

Councillor Gill Mitchell
Leader, Labour & Co-operative Group
Chair, Overview & Scrutiny Commission
Brighton & Hove City Council

OVERVIEW AND SCRUTINY COMMISSION

AGENDA ITEM 51 Appendix 2

Brighton & Hove City Council

Subject:	Blatchington Mill School Hockey Pitches		
Date of Meeting:	Cabinet 10 November 2011 OSC 21 November 2011		
Report of:	Strategic Director, Resources		
Lead Cabinet Member:	Cabinet Member Finance & Central Services		
Contact Officer:	Name:	Jessica Hamilton	Tel: 29-1461
	Email:	jessica.hamilton@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	Hove Park		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In May 2010 a Conditional Agreement was put in place between the Council, the Governors of Blatchington Mill School (the School) and Brighton & Hove Hockey Club Limited (the Club) setting out conditions for the funding, construction and future use of 2 hockey pitches within the school grounds. The school and the location of the hockey pitches are shown on the plan in appendix 1
- 1.2 Planning permission has now been granted and construction is due to start shortly, funded by the School, the Club and the England Hockey Board (EHB). Both the School and the Club will share use of the pitches. This property report seeks permission for the land transaction to enable the funding and construction of the project through the granting of a lease to the Club documenting their use of the pitches. The council is the freeholder of the land.

2. RECOMMENDATIONS:

- 2.1 That Cabinet authorises the council to grant a lease to the Hockey Club for 20 years at a peppercorn rent, when the Conditional Funding Agreement conditions detailed at paragraphs 3.3 and 3.4 are met.
- 2.2 That Cabinet agrees that the Council loans Blatchington Mill School £350,000, funded through unsupported borrowing on the repayment terms set out in paragraph 5.1.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Brighton & Hove Hockey Club is a long established club and one of the largest in the South of England with a total of 16 teams catering for all abilities and ages. They currently use pitches at Stanley Deason Leisure Centre and the Sussex University Sports Complex but have been attempting to, for many years, obtain funding and identify a location for their own dedicated all weather pitches.

- 3.2 In February 2010 following negotiations between the Club and the School a joint submission was made to the EHB for funding towards two all weather pitches at the School resulting in the provision of £150,000 funding.
- 3.3 In May 2010 a Conditional Agreement was put in place between the Council, the School and the Club setting out the way forward for the pitches to be funded, constructed and managed. The conditions of this agreement are already in hand. One of the conditions was for the School and the Club to obtain planning permission for the development of the pitches and this has now been granted (BH2011/01264).
- 3.4 Another condition of the Conditional Agreement is for each of the parties to make a funding contribution as follows:-

England Hockey Board	£150,000
Governors of Blatchington Mill School	£350,000
Brighton & Hove Hockey Club	£400,000

It has subsequently been agreed that the Club and the School will contribute additional funding should the build costs exceed £900,000.

- 3.5 The School is to procure the construction of the pitches and a Community Use Agreement will be put in place setting out in detail how the pitches will be managed, maintained and used.
- 3.6 It is intended that the School will manage and maintain the pitches and have use of them on school days. The Club will have use of the pitches on weekends and evenings and there are periods where the pitches are available for community use or commercial hire.
- 3.7 In return for their contribution toward the costs of construction the Club will receive a 20 year lease on the pitches, with security of tenure, to provide them with the security they require to ensure their interest and investment is protected. Should the council terminate the lease on expiry the Club will be given the balance of a sinking fund, managed by the school, to allow them to set up and construct new pitches elsewhere.
- 3.8 A letter to the Argus from a parent of children of the school incorrectly reported that the school governors were not prepared to proceed with the development of the playing fields if a lease was required. This letter followed the author's attendance at a Friends of Blatchington Mill meeting and the minutes of that meeting do not reflect this parent's understanding. The head teacher of the school is communicating to the school community, students, parents and neighbours the decision taken by the governors.
- 3.9 The lease will be preceded by an Agreement for Lease and the lease will be granted when the conditions of the conditional funding agreement (dated 17 May 2010) detailed above have been met.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Community consultation has been completed as part of the planning process.
- 4.2 In agreeing the heads of terms for the lease internal consultation has been held with Legal, Finance, Schools Capital Strategy, the Chair of Governors for Blatchington Mill School, the Business Manager for Blatchington Mill School and the Club.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The school wishes to borrow its funding contribution of £350,000 from the Council. This will be funded through unsupported borrowing and the school's Business Plan shows that the repayments of interest and principal are affordable to the school. The loan principal will be repaid by the school in equal instalments over a fifteen year term and the interest payments will be based on the Council's average borrowing rate for each year.
- 5.2 A Business Plan has been prepared to consider the potential income and expenditure in relation to the development and to assess the financial risk. The Plan is self financing with the School utilising rental charges from the commercial hire to pay towards the costs of maintaining the pitches, provide a sinking fund for their replacement and pay interest and capital on their loan.
- 5.3 The School has undertaken extensive research around usage numbers and the impact of varying conditions. Even on a worse case scenario the Business Plan results in a break-even position in terms of potential cash flows.

Finance Officer Consulted: Peter Sargent

Date: 26/10/11

Legal Implications:

- 5.4 The terms of this disposal come within the general consent under s77 of the School Standards and Framework Act 1998.
- 5.5 Best consideration is achieved by virtue of the money that the hockey club are putting into the construction of the pitches.
- 5.6 It is not considered that any individuals Human Rights Act rights are adversely affected by the recommendations in this report although some local inhabitants are seeking to challenge the proposals on a variety of grounds.

Lawyer Consulted:

Anna MacKenzie

Date: 08/08/11

Equalities Implications:

- 5.7 Brighton & Hove Hockey Club nurture and promote the playing of hockey for a wide range of ages and all abilities. The proposed development will provide improved sports facilities available for community use at discounted rates.

Sustainability Implications:

5.8 Sustainability implications have been considered as part of the planning process.

Crime & Disorder Implications:

5.9 There are none.

Risk and Opportunity Management Implications

5.10 The risks and opportunities have been assessed as part of the Business Plan

Public Health Implications:

5.11 The proposal for improved sports facilities will promote physical activity within the school and the wider community.

Corporate / Citywide Implications:

5.12 The proposal meets the council corporate plan objective to increase and diversify participation in cultural and sporting activities.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The School could not afford to fund the development without the investment from the Club. The partnership approach makes the development affordable to both parties who will benefit in equal measure.

6.2 The School could potentially partner with another sporting club who had access to the financial resources needed to fund this development. The council is not aware of any other sporting clubs with such finances available.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 By working in partnership the School and the Club, with funding from the EHB, have submitted a planning application and business plan for the development of 2 all weather pitches to be used by the School, the Club and the community. Income generated from the hire of the pitches to third parties is to be used to cover the costs of management, maintenance and finance.

7.2 In order to secure their interest and in return for a contribution of £400,000 towards the construction of the pitches the Club have been offered a 20 year lease with security of tenure. Should the council terminate the lease on expiry the school are to pay to the Club the balance of the sinking fund to allow them to set up and construct new pitches elsewhere.

SUPPORTING DOCUMENTATION

Appendices

1. Plan

Documents In Members' Rooms

None

Background Documents

None

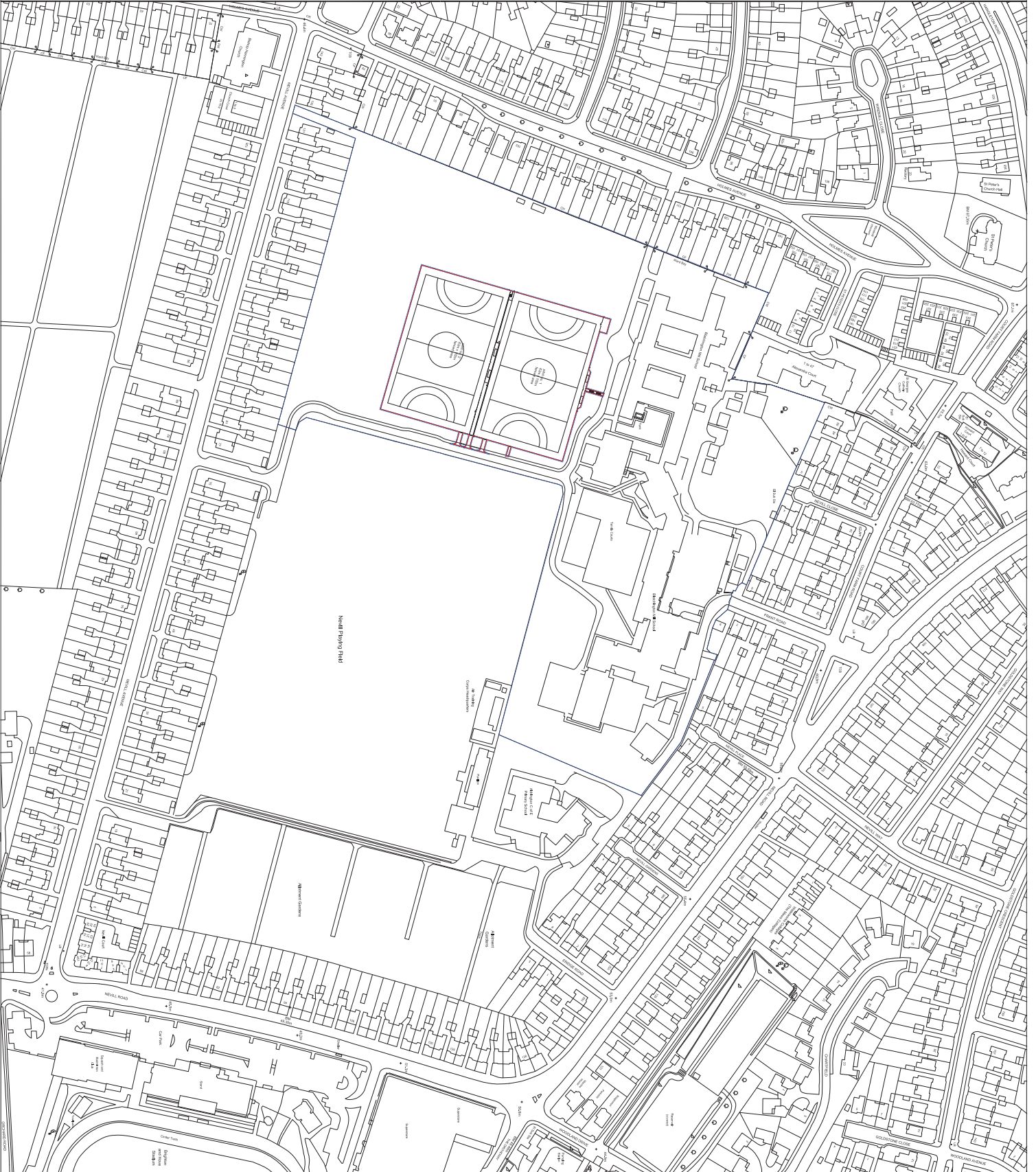


Brighton and Hove Hockey Club
Blatchington Mill School
Neill Avenue
Hove
BN3 3BW

LOCATION PLAN



Scale : 1/1250 at A1 size



OVERVIEW AND SCRUTINY COMMISSION

Agenda Item 51

Appendix 2A

Brighton & Hove City Council

Subject:	Petitions		
Date of Meeting:	Cabinet 10 November 2011 OSC 21 November 2011		
Report of:	Strategic Director, Resources		
Contact Officer:	Name:	Tanya Davies	Tel: 29-1227
	E-mail:	tanya.davies@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Various		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive any petitions presented at Council, any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website.

2. RECOMMENDATIONS:

- 2.2 That the Cabinet responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options, including the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's Overview and Scrutiny Committee
- calling a referendum

3. PETITIONS

3(i) Palace Pier

To receive the following e-Petition and paper petition presented at Council on 20 October 2011 by Councillor Gill Mitchell and signed by 253 people:

We the undersigned petition the council to recognise that the sale of this city's 1011 year old pier provides the perfect opportunity to actively work with any potential owner to ensure that the currently named 'Brighton Pier' is officially restored to its original name by which it is still affectionately known by local people today - 'the Palace Pier'.

3(ii) Blatchington Mill School Hockey Pitches

To receive the following paper petition presented by Mr Brian Fitch and signed by 15 people:

We the undersigned , request the Cabinet to reject the proposals and the granting of a lease for the creation of an all-weather surface and installation of fifteen metre floodlighting, on Blatchington Mill School Playing Fields, for the following reasons:

- *There will be a negative effect on the management of school facilities if the proposed number of users is achieved.*
- *The pupils will no longer have the use of the field for informal recreation during the school day and evenings.*
- *There is significant financial risk to the school maintaining current provisions if the agreement is not fulfilled and the income fails to cover the debt – the lease requested is for 100 years.*
- *The proposed use to achieve the required income will negatively affect the local residents and the environment with increased traffic, increased energy use and light pollution from floodlights.*

CABINET

10 December 2011

Agenda Item 111

OSC Agenda Item 51

Appendix 2B

Brighton & Hove City Council

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 deputations from members of the public. Each deputation may be heard for a maximum of five minutes following which the relevant Cabinet Member may speak in response. The deputation 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.

Decision No: CAB58 – 10/11/11

Forward Plan No: N/A

This record relates to Agenda Item 122 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	RESOURCES
SUBJECT:	BLATCHINGTON MILL SCHOOL HOCKEY PITCHES
AUTHOR:	JESSICA HAMILTON

THE DECISION

- 2.1 That Cabinet authorises the council to grant a lease to the Hockey Club for 20 years at a peppercorn rent, when the Conditional Funding Agreement conditions detailed at paragraphs 3.3 and 3.4 are met, **subject to Counsel's opinion.**
- 2.2 That Cabinet agrees that the Council loans Blatchington Mill School £350,000, funded through unsupported borrowing on the repayment terms set out in paragraph 5.1.

REASON FOR THE DECISION

By working in partnership the School and the Club, with funding from the EHB, have submitted a planning application and business plan for the development of 2 all weather pitches to be used by the School, the Club and the community. Income generated from the hire of the pitches to third parties is to be used to cover the costs of management, maintenance and finance.

In order to secure their interest and in return for a contribution of £400,000 towards the construction of the pitches the Club have been offered a 20 year lease with security of tenure. Should the council terminate the lease on expiry the school are to pay to the Club the balance of the sinking fund to allow them to set up and construct new pitches elsewhere.

DETAILS OF ANY ALTERNATIVE OPTIONS

The School could not afford to fund the development without the investment from the Club. The partnership approach makes the development affordable to both parties who will benefit in equal measure.

The School could potentially partner with another sporting club who had access to

the financial resources needed to fund this development. The council is not aware of any other sporting clubs with such finances available.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

Recommendation 2.1 was amended to reflect the fact that the council was seeking Counsel's opinion in order to clarify the legal implications of the decision.

CONFLICTS OF INTEREST

None.

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision

Date:

10 November 2011

Decision Maker:

Councillor Bill Randall
Leader of the Council

Signed:



Proper Officer:

10 November 2011

Mark Wall, Head of Democratic Services

Signed:



SCRUTINY

Note: This decision will come into force at the expiry of 5 working days from the date of the meeting at which the decision was taken subject to any requirement for earlier implementation of the decision.

Or: This decision is urgent and not subject to call-in (date of CE's agreement to urgency of decision).

Call-In Period

11-17 November 2011

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

EXTRACT FROM THE DRAFT MINUTES CABINET 10 NOVEMBER 2011

Present: Councillors Randall (Chair), Bowden, Davey, Duncan, Jarrett, Kennedy, J Kitcat, Shanks, Wakefield and West

Also in attendance: Councillors G Theobald (Opposition Spokesperson) and Mitchell (Opposition Spokesperson)

Other Members present: Councillors Bennett, Fitch, Janio, MacCafferty, A Norman, K Norman, Robins and Wealls

PART ONE

110. PETITIONS

(ii) Blatchington Mill School Hockey Pitches

- 110ii.1 Councillor Fitch, in his capacity as a member of the public, presented a petition signed by 15 people requesting the Cabinet to reject the proposals and the granting of a lease for the creation of an all-weather surface and installation of fifteen metre floodlighting, on Blatchington Mill School Playing Fields. He advised that residents were very unhappy about the proposed evening use and the disturbance caused by turning the school into a business operating seven days a week. He questioned how the council could afford to loan money to the school and raised concerns about concreting over green spaces and the impact on pupils at the school.
- 110ii.2 Councillor Fitch left the meeting after presenting his petition and did not return.
- 110ii.3 Councillor Kitcat reported that more than twice as many letters had been received in support of the project than against it. He made the following comments:
- With only public service bodies and community groups involved, the facility would not be a private business.
 - The surface would in fact be made of sand-dressed artificial turf rather than concrete, and sufficient space would remain for a separate rugby pitch.
 - During consideration of the planning application by the Planning Committee, the Environmental Health Officer present stated that the light and noise issues would be within the national guidelines.
 - The project would involve absolutely no cost to the council; the governors of the school had made the decision to borrow their contribution to the funding and because of the technicalities, the council would borrow the money on the school's behalf, however the school was fully responsibility for paying back the loan from their own funds.

He stated that it was a positive project that would result in increased use of the school's facilities, which would improve security for the school and surrounding

properties. The financial case was considered to be robust and any shortfalls would be borne primarily by the hockey club. He added that the cross-party decision of the Planning Committee and the wishes of both the school and hockey club should be respected.

110ii.4 **RESOLVED** – That the petition be noted.

111. PUBLIC QUESTIONS

111.1 The Chairman reported that two public questions had been received.

111.2 Ms Melanie Roberts asked the following question:

“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.”

111.3 Councillor Kitcat gave the following response:

“Thank you for your question. Yes, the council is aware of the restrictive covenants and I can confirm that we have received the letter from the law firm Bennett Griffin, who are representing some of the residents in the area, and that our lawyers are dealing with it.

There are restrictive covenants referring to nuisance, disturbance and use of the land as a sports ground. However, based on the legal advice that we have received so far, the site in question is already in use as a school sports playing field, and when one looks at the restrictions on nuisance and disturbance, that has to be considered as something over and above normal and reasonable use. The council does not believe that the use of the land by the school and the hockey club would constitute unreasonable nuisance or disturbance. Based on that advice, the council’s view is that the restrictive covenants, which are those originally imposed in favour of the Marquis of Abergavenny are no longer enforceable; I also believe that the Marquis doesn’t have any living descendents. As an additional precaution, we are seeking Counsel’s opinion and the recommendation will be amended to say that the decision we’re taking today will be subject to Counsel’s final opinion, which we are hoping to get next week.

With regard to your statement about Environmental Health, I asked officers to check the webcast of the Planning Committee meeting and the Environmental Health Officer said that, going through the technical recommendation from the Institute of Lighting Engineers and other associated institutes, the figures in relation to lighting and noise would fall within the recommended allowable amounts for such a development, based

on national guidelines. Therefore, we are satisfied that we are doing this responsibly and within the legal requirements, but to make absolutely sure we are seeking Counsel's opinion on the covenants."

111.4 Ms Roberts asked the following supplementary question:

"Are the council aware that it appears the planning department were deceived by the applicant regarding the lighting? I have documents that were supplied by Phillips lighting and the applicants own consultants that show that the lighting exceeds what was presented to planning by 20%. The applicant had received this information before the planning meeting and withheld it. Is the Cabinet aware that if the lease and loan is granted today the development will never meet planning regulations as set down at the planning meeting jeopardising the schools financial position?"

111.5 Councillor Kitcat gave the following response:

"I can't comment on the detail of what happened at the Planning Committee and we're not here to discuss planning regulations, but whatever was approved at the Planning Committee is the development they'll have to bring forward. I couldn't comment on any such allegations; it will have to be dealt with through normal Development Control procedures and is not something we can explore here. You can take it up with Development Control if you feel there is cause for concern."

111.6 Ms Sarah Wilks asked the following question:

"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."

111.7 Councillor Shanks gave the following response:

"There is a legal requirement for the school to consult in the Education Inspections Act 2002. The Department for Education (DfE) received a letter from a parent suggesting that the school hadn't carried out this consultation and the DfE then wrote to the school asking for their comments on this allegation and the Chair of Governors prepared a response, which we have seen, outlining the consultation that they did.

It was the responsibility of the school to consult, not the council, but we're happy that the school did consult. The parents make up the largest group on the Governing Body in any case. Parents were sent information via a newsletter asking them for their responses and there was also consultation with students. There were two public consultations at the school where people could go along and look at the plans. The sports partnership that has been set up with the school and neighbouring sports

facilities was fully involved in this and they organised it and consulted on it. Then it went to Planning Committee where it was given a really good going over in terms of discussion about the impact.

We are happy that the school did what it should have done in this case.”

111.8 Ms Wilks asked the following supplementary question:

“It appears that the council are viewing this development more in terms of ‘provision of all-weather pitches for the city’ The focus should be on the risk of my children’s school borrowing £350,000.

Parents have not been consulted. Many feel that if substantial money is to be borrowed, they may have suggestions of their own on how to spend this money. They may conclude that 1 unfloodlit pitch would cost far less, be used by the students, and is better use of funds for the school and council.

Therefore my question is should the council be loaning the school £350,000 to be paid back with interest with no guarantee of revenue, to effectively subsidise the activities of outside organisations?”

111.9 Councillor Shanks gave the following response:

“The reason that the school has gone into partnership with the hockey club is because they can raise more money to build the pitches. There has been a history in this area for a long time of looking for all-weather surfaces for children, young people and older sports people. They will be used not just as a hockey club in the evenings, but there will be community use for different projects.

It will be an asset to the school as well; young people will be able to use it when the weather is not so good. In terms of the borrowing, the school’s Governing Body have looked at whether they can afford to do this and have decided that they can, and they are able to take that decision.”

112. DEPUTATIONS

112.1 The Chairman reported that one deputation had been received.

112.2 The Cabinet considered a deputation presented by Mr Dave Smart concerning the granting a loan facility to Blatchington Mill School for the development of artificial hockey pitches and a 20 year lease to Brighton & Hove Hockey Club. Mr Smart stated that a finance package should have been developed to enable the school develop its own facilities because the proposed scheme focused on the requirements of the hockey club and was geared towards hockey rather than a range of school uses. He highlighted the restrictive covenants on the land and loss of green space and stated that serious concerns from residents had been ignored, causing them to seek legal advice. He called upon the council to prevent the development from going ahead for the reasons given and in order to avoid a legal challenge from residents.

112.3 Councillor Kitcat advised that the Governing Body were the driving force behind the project and, although the council had some responsibility, it was not a council project and the governors had made the decision to proceed. He made the following comments:

- The Planning Committee had considered the details of the development, including the impact of green space, and had approved the scheme.
- Public funds were not being used; the school had chosen to borrow money, but it would not come from the council's revenue budget.
- The school had advised that it was difficult to deliver the sports curriculum without access to all-weather pitches. The pitches could be used for a number of sports, including football, and there would be space for a separate rugby pitch.
- The facilities would not be used as a commercial enterprise as the hockey club was a community group, and time would be set aside for school use outside of the normal school day.
- The area was not being concreted and the surface used would enable the facility to be used all year round and would include drainage provision.

He stated that as the land was already used as a sports ground, the enforceability of the covenants was questionable; however, Counsel's opinion had been sought in order to confirm the council's position.

112.4 Councillor Bowden reported that many organisations across the city had expressed an interest in using the proposed facilities, particularly as the city had a very limited amount of all-weather surfaces. The school would have considerable access to the pitches after school and many sports could be played on them all year round, including netball, cricket, tennis, touch rugby and football. He stated that the project was a welcome addition to the city's campaign to encourage sport.

112.5 **RESOLVED** – That the deputation be noted.

122 BLATCHINGTON MILL SCHOOL HOCKEY PITCHES

122.1 The Cabinet considered a report of the Strategic Director, Resources seeking permission for a land transaction to enable the funding for and construction of two all weather hockey pitches within the grounds of Blatchington Mill School for use by the school and leased to Brighton & Hove Hockey Club.

122.2 Councillor J Kitcat advised that the recommendations would be amended to make the decision subject to the opinion of Counsel, which had been sought in order to clarify the situation with regard to the restrictive covenants on the land. He advised that residents concerns had been considered and reported that twice as many letters of support for the project had been received from residents than those against it.

122.3 Councillor Mitchell raised concerns about the risk to the school of taking out a loan to fund their contribution to the project and that community use of the finished facilities would be squeezed in favour of commercial use in order to pay back the loan. She noted the legal issues raised during Public Questions and asked whether the Cabinet had seen the school's Business Plan and could therefore confirm that there was no risk to the school; the council had a responsibility to ensure the school could afford the

loan. She stated that the Business Plan should have been attached to the report, as a Part Two document, and that she considered the decision to be a matter for call-in.

- 122.4 Councillor J Kitcat confirmed that the council's finance officers had checked the Business Plan and that the Cabinet relied on their advice; release of the Business Plan was a matter for the school and the hockey club. He advised that the council's view was that the decision was legally sound, but was obtaining further legal advice in order to be certain.
- 122.5 The Chair advised that the Cabinet had not seen the Business Plan, but that they satisfied with the school's decision and the advice from council officers; he did not deem it to be a matter for call-in as all aspects had been carefully considered. He advised that Sport England were investing in the project and considered it to be robust.
- 122.6 Councillor Bennett raised concerns that the school would concentrate on commercial use at the expense of community groups, and also about the financial risk to the school, particularly if the build costs were to exceed the budget or struggled to repay the loan. By offering the hockey club a 20 year lease, she felt that the school would be precluded from considering better development opportunities for some time and urged the Cabinet to reject landlord's consent.
- 122.7 Councillor Janio acknowledged that the Business Plan had not been a material planning consideration, but stated that he considered it to be relevant to the decision before the Cabinet because the council would be financially responsible if the school could not pay back the loan. He requested to see the Business Plan and asked whether the Chief Finance Officer (CFO) could confirm whether it had changed following the restrictions placed on the development by the Planning Committee, and therefore whether it was still robust. He was concerned that the proposed development was not the best use of the site and that residents had been ignored throughout the process.
- 122.8 The Director of Finance (CFO) advised that she would provide a written response with regard to any changes to the Business Plan. She explained that schools were unable to borrow money themselves and therefore approached the council when seeking to undertake capital investment, with the council ensuring that the school could afford any loans. The council was not reliant on the school physically repaying the loan as it was able to top-slice the grant pass-ported to the school; consequently the council was confident of getting the money back. The management of school finance was legally the responsibility of school governors, and the approach taken on the development in question was not unusual.
- 122.9 The Chair noted that the project would be a resource for the city and welcomed the investment it would bring. He gave assurances that community groups would have dedicated time set aside to use the facilities.
- 122.10 Councillor Jarrett advised that the respective roles of governing bodies and local authorities were set out by the Government and that the council should not interfere in decisions made by governors.

122.11 Councillor G Theobald urged the Cabinet to take the views of ward councillors and their residents into account and warned that parents and children would lose out if the school was unable to repay the loan.

122.12 **RESOLVED** - That, having considered the information and the reasons set out in the report, the following recommendations be accepted:

- (1) That Cabinet authorises the council to grant a lease to the Hockey Club for 20 years at a peppercorn rent, when the Conditional Funding Agreement conditions detailed at paragraphs 3.3 and 3.4 are met, **subject to Counsel's opinion**.
- (2) That Cabinet agrees that the Council loans Blatchington Mill School £350,000, funded through unsupported borrowing on the repayment terms set out in paragraph 5.1.

Note: This Item was considered immediately after Item 112.

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of

Inclusion of the business plan in the report to Cabinet

It is unusual for a copy of any business plan to be included in the documentation provided to Cabinet to inform its decision making. Rather, reliance is placed on the information provided in the financial implications section of the report. The quantity of that information and the extent of the analysis will be determined by the complexity of the issue and the risks involved. It is the responsibility of the Chief Finance Officer to ensure that sufficient information is provided to enable Cabinet to make an informed decision. That is a professional judgement arrived at on a case by case basis.

In this particular instance, the business plan is the responsibility of the school and its governing body and has been subject to their careful review. There is a strong case that it is for the school themselves to decide whether and how it wishes to share that level of financial information publicly and it is not for the council to decide this on their behalf. However, on this occasion the school has given their permission for the business plan to be included in these papers in the interests of transparency.

The council has a legitimate role in ensuring that its own financial position is safeguarded. This will be achieved through the topslicing of the funding that the school receives in its formula budget share.

The financial position of the school

The 2011/12 school budget is made up of	
Formula Budget	£7,736,588
Sixth Form Income	£1,031,357
Carryforward from 10/11	£ 331,385

The 2011/12 budget has a carryforward to 2012/13 of £124,673.

The school has never had to have a licensed deficit and there has never been any cause for the Chief Finance Officer to raise concerns about the financial management within the school over the last 10 years.

The review of the business plan

The business plan has been reviewed by the Council's Loans and Technical Manager. This officer has extensive experience in reviewing business plans on large and complex projects including the lease agreement in relation to the Community Stadium and the lease agreement in relation to the Local Delivery Vehicle (LDV) - Seaside Community Homes.

Although generally happy with the content of the business plan, various questions were asked of the school particularly around

- assumptions on demand and availability
- cost assumptions particularly in terms of impact on costs and demand

- whole life costings and the level of sinking fund.

The business plan provides for no profit sharing until such time as the value of the sinking fund is considered sufficient to replace pitches, etc. This is projected at year 10 under best estimate or year 13 under worst case.

With any project of this nature there is an element of risk particularly around usage but the School appears to have carried out extensive research in support of their assumptions. On the basis of the responses received from the School to our questions and the underlying research carried out by the school, officers agreed that the School could formally approach the Council for an advance – repayable over 15 years.

The per annum cost to the school of the capital repayment including interest is £33,000. This is modest amount in the context of the overall school's budget.

Regulations governing school finance

There is a wealth of rules and regulations governing finance for maintained schools.

The governors Guide to the Law is on the DfE website

<http://media.education.gov.uk/assets/files/doc/g/guide%20to%20the%20law%20for%20school%20governors.doc>

and chapter 8 of it relates to the Schools Budget.

The Council has its own regulations and this is contained in the Scheme for Financing Schools

<http://wave.brighton-hove.gov.uk/schools/Finance/Pages/SchemeforFinancingSchools.aspx>

We do not consider that the school has done anything which falls outside of these regulations.

This is not the first time the council has advanced funds to schools but it is the largest sum involved. Other projects funded through “unsupported borrowing” include:

- purchase of school transportation (e.g. minibuses) for various secondary schools including D Stringer, Patcham H and Longhill;
- upgrades of IT suites, the largest being Hove Park School, and
- gym and fitness equipment at Longhill.

Advances have ranged in size generally from £20k to £120k and in each case the capital spend has been added to the capital programme within an appendix to the Targeted Budget Management report and has not been the subject of a stand alone report to Cabinet. Repayment periods have varied depending upon the asset purchased but generally range between 3 & 7 years. We have agreed a 15-year period for Blatchington Mill due to the long-term nature of the assets and the size of the borrowing.

Members of the Commission,

You are asked to consider whether Cabinet should have explored the details of the Business Plan for the all-weather pitch project at Blatchington Mill School when deciding whether to loan money.

It might assist your decision to consider the nature of schools today – staffed by experienced professionals and run by Governors who apply their own considerable professional expertise unstintingly in pursuance of excellence in the education, both socially and academically, of the young people in our community.

Prior to 1982, the business management of schools was entirely in the hands of the Local Authority. But in that year, Local Management of School began a process which has continued steadily until today – the professionalism of the officers in schools, and significantly increased financial responsibilities for school Governors – who have risen to this challenge by ensuring that Governing Bodies comprise the appropriate professionals.

That increased responsibility is at the heart of the Education Act 2011 – the ultimate expression being Academy status. At Blatch, in common with other Community Schools in Brighton and Hove, Governors have made the conscious decision not to explore academy status but to continue in partnership with the Local Authority, believing that this is best for the young people of the City as a whole; a PARTNERSHIP that is evolving across all schools in the city with the intention of securing protocols which satisfy the new relationships between the LA and schools.

Blatch is a ten million pound organisation with 250 employees. It employs professionals to ensure that it delivers value for money and the current Business Manager is typical of the new breed of professional the schools recognise they need to employ in today's environment.

Prior to working at Blatch, he was Finance Director of a company that grew from one to ten million during his nine years there; spent six years as an accredited business adviser working with companies in all sectors across Sussex, latterly as the Director of the Enterprise Hub for the Gatwick Diamond and his last position was as General Manager of the Falkland Islands Development Corporation – responsible for facilitating the development of business in the whole country.

He has worked intensively during that time on numerous business plans and has shown the application of his experience to his current position by studying with the national College of School leadership and gaining a formal qualification as a School Business Manager.

The Governors' Finance committee is a further illustration of the business professionalism of today's schools. Its members include two successful businessmen, a Chartered Accountant, and experienced construction contract professional and a marketer – they all give generously of their time and professional expertise, unpaid – and their awareness of the responsibilities they carry to their successors are heightened precisely because they are unpaid.

They examined the business plan exhaustively and in detail, rejecting earlier versions until they were satisfied that the risk to future was at an acceptable level.

Members, the nature of schools nowadays is very different from even ten years ago. The Local Authority no longer runs schools – they are run by professionals, both professional employees, and volunteer Governors who apply their considerable professional expertise in pursuit of excellence for the education of our young people.

You are asked to consider whether the Cabinet should have themselves examined the business plan. It is absolutely right that you should consider this, but I am confident that you will reflect on the professional nature of schools and recognise, as the Cabinet clearly did, that the financial future of schools is in the safe hands of the officers and Governors who know their schools very well indeed, and conclude that the cabinet decision is safe and should be endorsed and that they should be applauded for helping the school to continue to provide the very best facilities for the young people of the city, both now and in the future.

Not forgetting the original imperative for considering this proposal in the first place. It will provide a world class facility for students in ways outlined in the appended list.

Thank you.

Agenda Item 51 Appendix 6A

The advantages of two All Weather Pitches were immediately obvious.

- The students would have uninterrupted and enhanced access for PE and Sport via this outdoor space.
 - At the moment PE lessons, using the field, have to stop during winter as our field gets waterlogged
 - The indoor space then becomes cramped
 - When the indoor space is required for the examination season (throughout the year now), the students will be able to continue with their PE programme with two all-weather pitches.
- Re-introduce hockey into our curriculum; particularly timely considering that both the men's and women's hockey teams are contenders in next year's Olympics.
- The club link would provide us with specialist coaching and access for our gifted and talented sports students.
- We will have a 'true' surface for developing skills in cricket, football etc.
- Hockey development course for 6th form students at Blatch6
- No health and safety issues for footwear
- We will have greater continuity for our outdoor lessons
- Hockey as an extra-curricular activity – for single gender and mixed gender teams.
- Can host inter school tournaments for both secondary and junior school level in hockey, multi-sport, cricket, football.
- Leadership volunteering opportunities – coaching and umpiring qualifications.
- Mini festivals of sport for our school communities
- The front of the school could be available for breaks and lunchtimes despite the weather conditions.
- The all-weather pitches will be for multi sports for our students up until 5.30 and for hockey from 5.30 – 9.30
- Blatch could compete with other schools offering high quality pitches.
- We will link this new provision to the country's interest in the Olympics next year and will identify this new facility as a legacy through which we will remember the momentous occasion of the Olympics.

Our students are very excited at this additional resource to their learning. The PE department are looking forward to new sports being added to their offer and the school is looking forward to being a centre of excellence for sport.

Janet Felkin
Headteacher
Blatchington Mill School

