

## Crawley Borough Council

### Minutes of Council-owned Neighbourhood Parades Scrutiny Panel

Thursday, 14 October 2021 at 7.00 pm

#### Councillors Present:

R A Lanzer (Chair)

M L Ayling, T Lunnon, M Mwangale and D M Peck

#### Also in Attendance:

Councillor Peter Smith            Cabinet Member for Planning and Economic Development

Neil Cooper                         Director, Graves Jenkins

#### Officers Present:

Richard Gammie                  Commercial Asset Manager

Karen Hayes                        Head of Corporate Finance

Karen Rham                         Neighbourhood Services Manager

Jess Tamplin                       Democratic Services Support Officer

Kate Wilson                         Head of Community Services

#### Apologies for Absence:

Councillor S Mullins

#### 1. Disclosures of Interest & Whipping Declarations

No disclosures of interest or whipping declarations were made.

#### 2. Minutes

The minutes of the meeting of the Council-owned Neighbourhood Parades Scrutiny Panel held on 26 July 2021 were approved as a correct record and signed by the Chair.

#### 3. General Updates and Information

The Commercial Asset Manager updated Panel members regarding potential witnesses at future meetings of the Panel. It was considered that staff at Milligan Ltd, a retail development company, could be asked to share their views on the Council's neighbourhood shopping parade policy. It was recognised that the company could provide expertise from an independent standpoint which may lead to improvements in

the policy; Milligan had advised other local authorities on similar matters. Panel members noted that this was cost-dependent.

### **Actions**

- That Milligan Ltd be approached for a quote regarding advice on the Council's management of the shopping parades.
- That the quote be circulated to Panel members and, following this, a decision be made as to whether to invite Milligan Ltd to give advice to the Panel.

## **4. Witness Sessions**

The Panel invited the Council's Neighbourhood Services Manager to speak. At a previous witness session with the Panel in June 2021, the Neighbourhood Services Manager had been requested to provide the Panel with more detailed information about the Neighbourhood Services team's experiences of visiting the shopping parades on a daily basis. The Panel was presented with photographs showing various issues at each of the parades, including (but not limited to) the following:

- Fly tipping. Large items were regularly left next to communal household waste bins, which were not removed (under the terms of their contract with the Council) by refuse collectors. The waste was therefore removed by the Neighbourhood Services team which caused a significantly higher workload and encroached upon the time required to do other essential jobs.
- Overfilled waste bins. Waste was piled high on top of the bins, sometimes blocked footpaths or roads, and was a potential health hazard.
- Broken paving, tree grilles, and lamp posts/poles. These contributed to an unattractive streetscene and made the parades look dated.
- Old street furniture. Some benches were found to be damaged and not fit for purpose. Old public bins had no facility for the disposal of cigarette butts so caused mess. Phone boxes were damaged.
- Unattractive landscaping. Weeds were growing through paving and dead plants had not been removed. Some areas of landscaping had been trodden down by 'desire paths'. There were however areas where thoughtful landscaping of evergreen plants had made for attractive displays with easy upkeep.
- Dirty road signs and faded road markings. These were unsightly and could also be unsafe for road users.
- Leaves, cigarette butts and other detritus collecting in corners, which contributed to a feeling of uncleanliness.
- Outdated advertising posters, graffiti, and chewing gum on public walls and pavements.

It was explained that there was the potential to improve these issues through proactive education of residents, enforcement measures, and the provision of more/improved facilities (e.g. new furniture, bins, planting). To achieve this the Neighbourhood Services team required up to three new members of staff and/or more funding for equipment, facilities, etc. This had been demonstrated recently by the successful results from hiring two temporary staff members – financed by the Government's Covid-19 'Welcome Back' fund – responsible for deep cleaning in the town centre. Panel members noted that any financial costs as a result of the Panel's recommendations were subject to approval by the Cabinet.

The Neighbourhood Services Manager praised the work of the team and highlighted that officers were often required to undertake tasks at the parades which were not their direct responsibility.

The Panel discussed the above issues. It was recognised that fly tipping was an issue throughout the area but measures were being brought in to tackle the problem, such as West Sussex County Council's 'Let's SCRAP Fly Tipping' joint-working scheme. Crawley Borough Council's Environmental Crime Officer, whose position was fixed-term and Contain Outbreak Management Fund (COMF) funded, also undertook work to prevent fly tipping. The Panel noted that Community Wardens sorted through waste bins to uncover evidence of the identity of those who had dumped waste in public places. The Head of Community Services confirmed that the Council always sought to prosecute, issue fines, or give warnings as a result of fly tipping; recently there had been two successful prosecutions relating to this. Panel members also discussed the extent to which intelligence was shared between the county and district councils, Sussex Police, and other agencies to ensure repeat offenders of fly tipping were issued appropriate penalties.

The Panel considered ways to raise awareness of the issues caused by fly tipping. It was agreed that the photographs shown to the Panel were impactful and that these could be shared with residents as a deterrent and to promote proper waste disposal.

Upon receipt of a query regarding planting and landscaping, the Neighbourhood Services Manager clarified that a temporary team of officers was financed by Covid-19 funds from central government, whose job consisted of, in part, the replenishment of planting in public spaces in the town. The team prioritised the areas which were most in need (assessed by the number of public complaints received) and had not yet worked on the neighbourhood parades as part of this project. It was heard that funding for this team was due to cease in March 2022.

The Panel invited Mr Neil Cooper, a Director of Graves Jenkins – the company used by the Council to manage the letting of its commercial property – to speak. A summary of each of the four key 'trigger points' (i.e. when changes can be made to a tenancy) was given.

1) Rent reviews

Rent reviews allow for consideration of the rent rate and mostly occur every five years of a lease. It was estimated that approximately 80% of leases nationally are designated as 'upward-only' so rates will not decrease upon review.

2) Lease expiry

Leases expire when they end on the agreed date. Lease terms can be renegotiated (e.g. lease length, break clauses, and rent rates). Lease renewals are governed by legislation.

3) Vacated unit

CBC considers the use class of a unit when it becomes vacant, and after appropriate marketing selects a new tenant having regard to proposed use and rent offer. Units are not always given to those offering the highest rent.

4) Sale of lease

A tenant can assign their lease to another business by selling it on – this is facilitated by CBC. Factors such as the state of repair are taken into account during this process.

The Panel noted that some rents currently paid to the Council by parade businesses (mostly those let in the open market) were higher than those proposed by the Council as part of the rent review process. More traditional uses were increasing on the

parades, there was a high demand for units, and there had been few vacancies or lease sales recently. These factors were all considered positive.

During discussion with Panel members, the following information and clarifications were provided:

- A list was kept of people enquiring about obtaining a parade unit, who were contacted when one became available. The list was also used to assess demand.
- If a tenant's rent became unmanageably high, they could sell their lease or negotiate terms with the Council.
- Rents not based on the 'upward-only' review system could be charged a rent based on the business's turnover. This relied on businesses providing their accounts, which was typically more difficult for smaller businesses.
- An alternative to the typical rent review basis was to base rates on RPI/CPI, however it was questioned whether this was an accurate reflection of rental rates. Such indexed rents could also be set annually rather than five yearly.
- Shorter leases (e.g. 5 years) were possible; providing a shorter-term commitment and avoiding rent reviews. However lease renewals were normally more costly than rent reviews.
- Flats above shop units were generally considered an asset for tenants as it was their choice on how to best use the space, which could be lived in, used for storage, or sub-let at full market rent which could provide extra income. In theory flats could be let separately to shops if there was demand to do so, however this may cause complications between flat tenants and shop tenants.
- Most rent reviews, where not agreed, were subject to independent arbitration.

The Panel thanked Neil Cooper for providing useful information and expertise.

### **Actions**

- That the themes and matters raised as part of the Panel's discussion be carried forward for consideration at its future meetings.
- That the editors of *Crawley Live* magazine be asked to include an article, with photographs, showing the extent of fly tipping and the successful work of Council officers in clearing the waste. The segment was to include a quote from the Cabinet Member for Planning and Economic Development as well as details of the 'Let's SCRAP Fly Tipping' campaign.

## **5. Evaluation of Scoping Framework**

The Panel discussed the scoping framework (appendix A to the agenda) and the extent to which its objectives had been met by the review so far.

It was noted that the majority of the matters listed in the framework had been considered by the Panel. Further information was requested regarding the Council's current financial position and in response the Head of Corporate Finance stated that an all-member seminar regarding the Council's budget was scheduled for Tuesday 19 October, at which councillors were to be provided with relevant updates. It was noted that the initial report to the Scrutiny Panel ([FIN/499](#)) also gave a range of financial information relevant to the Panel's work.

The Panel discussed the benefits of consideration of other local authorities' neighbourhood shopping parade policies and agreed that further comparisons would help to meet the objectives set out in the scoping framework.

**Actions**

- That the Commercial Asset Manager contact officers of other 'new town' local authorities requesting the following details: their councils' rent rates and how they are calculated; the type and frequency of rent reviews; and the scope of repairs policies.

**6. Date of Next Meeting**

Panel members considered proposed dates for future meetings of the Panel. It was agreed that the date of the next meeting was dependent on the availability of the witnesses to be invited, which was not yet confirmed.

**Actions**

- That Panel members agree the date of the next meeting via email.

**Closure of Meeting**

With the business of the Council-owned Neighbourhood Parades Scrutiny Panel concluded, the Chair declared the meeting closed at 9.04 pm

**R A Lanzer (Chair)**