

## **ECONOMIC DEVELOPMENT, CULTURE & LEISURE SCRUTINY PANEL**

RECORD OF DECISIONS of the meeting of the Economic Development, Culture & Leisure Scrutiny Panel held on Tuesday, 16 December 2014 at 5.15 pm at the Guildhall, Portsmouth

### **Present**

Councillor Julie Swan (in the Chair)

Councillors Simon Boshier  
Ben Dowling  
Lee Hunt  
Matthew Winnington

### **37. Apologies for absence (AI 1)**

These had been received from Cllr Boshier for late arrival and from officers Claire-Upton Brown and Rimple Poonia.

Tobi Stidolph (Castle Road trader) had sent his apologies, but Albert Road Traders representatives Jenni Catlow, Peter Harriss and Sue McCombie were present.

### **38. Declarations of Members' Interests (AI 2)**

There were no declarations of members' interests.

### **39. Minutes of Previous Meeting - 12 November 2014 (AI 3)**

The minutes of the EDCL meeting held on 12 November 2014 were agreed as a correct record with the following matters arising:

- i) Cllr Hunt queried if Stephen Baily's report to the last meeting had been made widely available; this was being updated to be published on the website.
- ii) **Event application form** - David Evans, the Seafront & Events Manager circulated a draft copy of the revised application form which was 4 pages long so should be easier to complete. His department processed over 200 applications a year (checking the necessary risk assessments and public liability were in place) and it was hoped that the revised version would be helpful to applicants. It could be used for small events and larger ones - for major events an accompanying event safety management plan was needed (relating to consultations with the police, traffic and licensing). The smaller events would need more basic information for the applicants to get the agreement to run their own events e.g. celebration of Christmas Lights in Albert Road and the Daisy Chain events there. If there was a need for a road

closure this did however need a 12 week notice period. The traders representatives present welcomed this and that there was the ability to block book events for the year. It was noted that charitable events had a separate licensing requirement and the Seafront Manager explained that there is an exclusion zone on the seafront for charity collection tins.

This was currently out for consultation but it was hoped that this could be in place by the end of January 2015. It was still preferable for the Events Team to be given 6 weeks' notice where possible. This would be made available online. The panel members welcomed the simplified approach.

#### **40. Review - Revitalising local high streets and secondary shopping centre areas in the city (AI 4)**

##### **i) Ed Woodhouse, Head of Revenues & Benefits - Business Rates and voids**

Ed Woodhouse explained that reduced rated on empty properties could not be made locally as these were subject to legislation and not subject to variation or discretion. He presented information to the panel regarding empty units in the city:

Empty retail premises (shops, restaurants and pubs) in 'shopping areas' as at 11<sup>th</sup> December 2014:

Albert Road	5
City Centre	13
Copnor Road	4
Eastney/Milton	4
Southsea Town (inc Elm Grove)	9
Fratton	7
Havant Road	3
Highland Road	6
Cosham High Street	5
Northend (inc Kingston Road)	20

The breakdown into the type of property empty in each postcode.

	VOID	INDUST- RIAL	LAND ONLY	LISTED BLDG	RV <2600	TOTAL EMPTY	PAYING EMPTY RATES
PO1	80	6	5	10	40	141	57
PO2	51	6	17	0	8	82	48
PO3	11	23	7	2	17	60	27
PO4	25	6	2	5	5	43	18

PO5	33	2	1	1	3	40	30
PO6	55	32	3	0	26	116	67

Void is essentially shops, pubs, restaurants, other retail premises and offices. Empty rates are not payable at all for land, listed buildings or for property with an RV of less than £2600. These are classified in broad areas and there is a relatively low number of voids. Members asked for further information on the breakdown of this information to the local shopping areas for which the Head of Revenues & Benefits would be sent the information on the areas covered by the review. It was hard to compare this information with other local authorities who do not make this readily available.

It was further explained that empty property rates had an exemption for the first 3 months before they are payable in full by the owner/landlord (6 months for industrial properties). There is also a 6 week rule whereby if units are occupied for less they are not eligible for exemption to be re-claimed for these shorter periods. **Charity** and community owned units can be zero rated when empty and also had a 80% reduction on their business rates when they met the necessarily criteria for charitable status.

The traders representatives raised their concern regarding out of town landlords who do not have the same community spirit when considering the impact of these empty units on the local high streets. Ed Woodhouse responded that there is a rateable charge on a property and the owner and landlord have a lease arrangement; the landlord cannot be forced to charge reduced rates to attract occupiers. He had a team of inspectors who visited to check that units were empty and eligible to be considered as voids.

The Chair stressed that her earlier paper on the High Streets Conference and the report by the Head of Culture & Development had both raised ideas for bringing in cultural and community uses for empty units and making a lottery bid to facilitate this. The panel's chair and vice-chair would be seeking a meeting with Penny Mordaunt MP as Minister for High Streets.

The **Portas Review** was again topical with national media coverage of her views on the need for government funding to help the local high streets. It was also noted that in **Hastings** landlords had been told by the Council to redecorate the frontages of retail units to ensure they were not detrimental to the streetscene, and it was felt that where appropriate this should be encouraged as it could spur on other owners to look at the condition of their property and enhance an area.

## ii) **Nickki Humphreys, Licensing Manager - Licensing Issues**

The Licensing Manager explained that her department had interaction with the Events Team in considering applications, and some events took place within premises so were covered by provisions of the Licensing Act for late night entertainment and drinking hours. She was also responsible for other licences and street consents that contribute to the development of the city,

charity collections and street trading permits. There are statutory fees to cover the cost of administering these applications.

There are legislative changes ahead in 2015 regarding the level of fees with the potential discretion for local authorities' costs to be reviewed, and there is a de-regulation pattern anticipated for regulated entertainment, to allow more flexibility for small scale events not to require application (although these do on council owned land). Any premises with under 200 people can currently have live entertainment up to 11pm and the government's intention is for this to extend from 200 to over 500, which is out for consultation.

It was acknowledged that the licensing regime allows for a variety of type of entertainment for different age groups and the encouragement of a mix of uses can be advantageous to a business area. Each application is dealt with on its own merits and the Licensing Committee consider the licensing objectives.

A concern was raised by members of the rise of money brokers and betting shops in retail areas; this is dealt with under the Gambling Act but there are less controls and draft legislation is considering looking at this by planning use rather than licensing use.

For night-time markets licenses could be applied for temporary bars e.g. German markets. The Licensing Manager explained that whilst there were restrictions there is also discretion for temporary events for extended hours and the number of times they can be applied for. The Town Centre Manager felt that it is important to state the nature of the event such as family orientated festivals and if there was a documented policy applications to Licensing could be accompanied by descriptions of what was wanted from events, such as the food festivals. The Licensing Manager responded that in certain cases there is a local remit for street trading. However the licensing regime could not be used to restrict the uses of shops such as where there is a perceived over concentration of certain competing businesses, e.g. hairdressers. Councillor Hunt believed that the planning regime had also been de-regulated so that there was a broad range of uses for properties and the LGA is asking the government to look at this.

### **iii) Alan Knobel, Alcohol Strategy Co-ordinator, Health, Community Safety and Licensing**

Alan Knobel wished to cover both the night-time economy issues as well as the health impact assessment (for which Rimple Poonia had sent her apologies for absence).

He explained the work that had previously taken place regarding **Purple Flag** (an assessment agreed by the Association of Town Centre Managers) as whilst the City Council had decided not to pursue its application the framework was useful in consideration of the safe night-time economy (even though this applied mainly to the larger centres). Its principles included:

- A mix of clientele was encouraged to create a more attractive environment
- Wellbeing

- Crime reduction - including CCTV, provision of public toilets, street pastor schemes
- Movement - secure modes of transport and safe pedestrian routes
- Ensuring a broad appeal - arts and culture being extended to the retail centres - away from a focus on alcohol for a mixed customer profile
- Place - street furniture, lighting, signage, public art & sculpture

The panel members asked what extra steps would be needed for the scheme's implementation; this would require resources such as for a dedicated Purple Flag co-ordinator and elements of the scheme like night-time buses. They asked to see the background information which would be provided by the Alcohol Strategy Co-ordinator, for consideration of the principles to see if they are adaptable to different areas.

**Health Impact Assessments** - the aims to minimise negative health impacts included:

- to minimise crime and maximise employment opportunities
- consider drinking levels and promote healthy food options
- encourage walking and cycling - linking to the sustainability agenda
- promotion of healthy living pharmacies
- consider impact on equality groups and community concerns

The panel members thought it would be helpful for the Cycle Forum to present their strategy and they would be invited to a future meeting which linked to the health and sustainability themes of this review.

#### **iv) Bruce Lomax, Housing Standards Manager**

Part of Bruce Lomax's role dealing with residential accommodation in the private rented sector included environmental issues and he was chair of the Eyesores Working Party (EWP) which uses regulatory enforcement powers and also draws on experts from the non-regulatory areas such as Town Centre Management. The EWP is a cross departmental officer group, which deals with referrals of dilapidated properties on a quarterly basis, looking at the legislation available to seek improvement. Officers try to trace the landlords of non-residential properties to try to work with them to seek solutions. The details of individual properties could not be discussed publicly due to data protection issues, and some may be the subject of legal proceedings.

Powers available included provisions of the Town & Country Planning Act - such a requesting painting of frontages - if resources were available an assessment could be made for the whole street to be done - in the private rented sector there was some funding available for this. Residential properties can be more difficult to deal with and less proactive action can be

taken. Ward councillors make referrals to the group which are then assessed for appropriateness and officers visit and photograph the properties for further discussion.

The Building Act and Public Health Act are also used for environmental problems, where there is a shop with a residential unit above the Housing Act can be used to ensure the housing is in a good standard. Notices are also served to remove rubbish. Bruce Lomax stressed that officers try to work with the owner to come to an agreement and only where this fails enforcement action is taken or a notice can be put on a property for the necessary works to take place in default (with a charge being put on the property). Only a few notices have an appeal process and some will result in court action. Officers discuss the most appropriate action and have been successful in securing some effective solutions such as artwork over dilapidated shop windows.

The Town Centre Manager also referred to the use of internal shutters to make areas look less run-down. The Chair referred to her previous report and the opportunity for student art projects on hoardings to also make areas more attractive.

- v) Written submission from Jo Bennett, Leasehold & Commercial Services Manager and Tom Southall, Corporate Asset Manager on Vacant Units in the Secondary/Tertiary Retail Centres

Portsmouth City Council manages various parades of retail properties held within the Housing Revenue Account. These are primarily located within Paulsgrove and Leigh Park, with some small clusters in Milton and Buckland areas.

Some parades are small (2 properties) others are larger (21 properties), the average size of parade is made up of between 3 and 6 properties. Excluding isolated individual shops there are 52 properties that are within parades.

Many of these properties are protected under the Landlord and Tenant Act 1954, with tenants having protected business tenancies to carry out their trade. When retail properties become vacant the following criteria is considered before re-letting:

- Has the property been successfully marketed in the past
- What potential uses have expressed interest
- Has the Council received any comments or complaints that need to be addressed
- What is the current mixture of retail offering on the parade
- Who are the target users
- Is there an internal requirement or a need for focused community benefit (drop-in centres)
- No consideration is given to tenants looking to open dedicated betting shops or off-licence facilities under new leases as these do not offer any wider community benefits.

#### **41. Date of next meeting (AI 5)**

The panel members felt that it would be beneficial to have an informal meeting in January to assess where they were with this review before considering inviting future witnesses to a public meeting.

The meeting concluded at 7.15 pm.

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Councillor Julie Swan  
Chair