



## **FINAL REPORT OF THE ENVIRONMENT SCRUTINY PANEL: CONDITION OF EMPTY SHOPS AND PROPERTIES**

### **PURPOSE OF THE REPORT**

1. To present the findings of the Environment Scrutiny Panel following its investigation in respect of the condition of empty shops and properties.

### **BACKGROUND AND AIMS OF THE SCRUTINY INVESTIGATION**

2. Empty properties, whether residential or commercial, can detract from the local environment and cause problems in communities. The main aims of the scrutiny exercise were to investigate the responsibilities of the Council in this area, to examine the effectiveness of its involvement and to identify any associated issues.

### **TERMS OF REFERENCE OF THE SCRUTINY INVESTIGATION**

3. The terms of reference of the scrutiny investigation were as follows:

To examine the Council's involvement in relation to the environmental condition of empty shops and properties, including:

- the authority's general powers and responsibilities in respect of empty commercial/residential properties, including enforcement powers.
- the risk assessment process for empty properties and eyesores.
- the authority's responsibilities and actions in respect of any empty shops which it manages.
- the role of other agencies, such as social landlords.
- links with regeneration services (insofar as they relate to environmental issues).

## METHODS OF INVESTIGATION

4. The Scrutiny Panel undertook a short review in respect of this topic. This took place between 16 February and 11 May 2009. The first meeting was held to consider a general overview of the topic and was followed by three evidence gathering meetings. A Scrutiny Support Officer from Legal and Democratic Services arranged witnesses for the review and co-ordinated the submission of evidence and information. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from Legal and Democratic Services.
5. A detailed record of the topics discussed at Panel meetings, including agenda, minutes and reports, is available from the Council's Committee Management System (COMMIS). This can be accessed via the Council's website at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk).
6. Evidence and information was obtained from various sources, including Council officers, Erimus Housing and Mouchel, the Council's strategic partner.
7. This report has been compiled on the basis of evidence gathered at the scrutiny panel meetings outlined above. Background information was also obtained from the documents listed at the end of the report.

## MEMBERSHIP OF THE PANEL

8. As the scrutiny panel's investigations overlapped two municipal years, its membership was as follows:

### **2008/09 Membership:**

Councillor J Walker (Chair); Davison (Vice-Chair), Clark, Hubbard, Jones, Khan, Lancaster, McTigue and G Rogers.

### **2009/10 Membership:**

Councillor R Kerr (Chair); Councillor Carter (Vice-Chair) and Councillors Clark, Davison, C Hobson, Hubbard, Lancaster, McPartland and Michna.

9. In the absence of the Chair, through illness, with effect from January 2009, meetings between that date and April 2009 were chaired by Councillor Davison.

## THE PANEL'S FINDINGS

10. The panel's findings in respect of each of the terms of reference were as follows:

**TERM OF REFERENCE: “*To investigate the authority's general powers and responsibilities in respect of empty commercial/residential properties, including enforcement powers*” AND:**

**“*To examine the risk assessment process for empty properties and eyesores, including how properties are secured.*”**

11. As it was found that the above two terms of reference contained areas of overlap, the issues raised and investigated are dealt with together in the following

paragraphs. In examining these terms of reference the scrutiny panel considered information on:

- General background.
- Legal background/intervention measures.
- The assessment process to deal with empty eyesore properties.

### **General background**

12. Properties may become empty for many different reasons. In most cases this is a short-term issue, for example, following purchase where a property needs to be renovated before it can be occupied or, in the case of shops, due to market forces or as tenancies come to an end. In some cases, however, properties that become empty remain so for long periods of time. This can be because there is a fundamental problem preventing their occupation. The situation can then become exacerbated as problem properties are not actively marketed or prepared for occupation. Often the position is worsened further as the condition of a property deteriorates. This means that occupation becomes unlikely until the problems have been addressed - but also means that the problems are unlikely to be addressed until the property is occupied. Clearly, this scenario can lead to a situation where a property becomes potentially dangerous in the worst cases or, in lesser cases, a blight on the area.
13. The scrutiny panel sought information on the Council's role in addressing the environmental problems associated with empty properties, whether they be residential or commercial.
14. Where possible, the Council tries to actively engage with property owners to find the right solutions to address environmental problems associated with empty properties. This can take the form of offering incentives such as renovation grants (where appropriate) or simply advice on an owner's responsibilities. Such approaches are dependent on goodwill and co-operation from owners and where this is achieved can be highly effective as well as the most cost-effective way of remedying a problem. However, in some cases, the authority may need to resort to the use of legal remedies to achieve progress.

### **Legal Background/intervention**

15. The scrutiny panel heard that the principal piece of legislation which is used by the Council in this area is Section 29 of The Local Government (Miscellaneous Provisions) Act 1982. This gives a local authority the power to undertake works in connection with a building for the purpose of preventing unauthorised entry to it, or for the purpose of preventing it becoming a danger to public health. It is used where a building is not effectively secured against unauthorised entry or is likely to become a danger to public health - for example where live wiring is found to be exposed. Where the Council undertakes works it is required to use the cheapest possible means to secure a property. This usually involves boarding up.

16. The legislation allows the Council to serve a notice on the legal owner or occupier of a property giving a minimum of 48 hours notice that the property must be made secure. This action may only be used when the owner of the property is known and the works required are not urgent. Failure to comply with the notice will result in the authority carrying out the works in default. An account is then sent to the owner/occupier for payment. If no response is received the debt is pursued through the courts.
  
17. Urgent works can also be carried out under section 29 of the Local Government (Miscellaneous Provisions) Act 1982. In such circumstances, the work may be carried out immediately without the service of notice and the cost of the works may again be recovered from the owner/occupier. The same process of debt recovery may also be followed as in the case of non-urgent works.
  
18. The Land Registry as well as council tax records are used to identify property owners. In the event that the owner of a property cannot be traced, the Council will carry out the necessary works, with the cost being borne by the authority, unless later recovered. A standard debt recovery procedure is used to pursue debtors once these are identified. This includes standard debtors letters, land charged debts, county court and bailiff action. The potential to use these methods has increased the liability of premises' owners and, in some cases, has been used to encourage negotiations without the need to resort to debt recovery.
  
19. In addition to powers under the Local Government (Miscellaneous Provisions) Act 1982, the Council can also use enforcement notices where statute has been breached. This includes:
  - The Prevention of Damage by Pests Act - such as where an accumulation of rubbish has led to problems with rodents.
  - The Public Health Acts - for the removal of health hazards from buildings and land)
  - The Building Act - to deal with ruinous or dilapidated buildings seriously detrimental to the amenity of an area.
  - The Housing Acts - to make properties fit for habitation.
  - The Town and Country Planning Acts
  - Voluntary Acquisition Process - Usually involving Registered Social Landlords or development partners. Premises were purchased on agreement.
  
20. In addition to the powers outlined above, local authorities have, for many years, been able to call upon statutory last

resort powers to require the sale of empty properties. The most commonly known power is compulsory purchase and enforced sale, although it was confirmed that this has been rarely used in Middlesbrough owing to the associated cost.

21. In 2006, the Government introduced an additional last resort power, namely Empty Dwelling Management Orders. These **can be applied** to all premises which have been empty for over six months and which have not been let or sold. Cases must first be taken to a Residential Property Tribunal, with interim and then management orders being applied. This process allows an authority to improve premises and ensure that they become occupied for specific periods of time.
22. The local authority may not sell the property but can carry out works to make the property fit for occupation and can also let the property. With an interim management order permission of the owner is required for letting however when a final management order is made the council can let the property without the permission of the owner. A local authority must keep account of the cost of managing the property. Any excess profits must be repaid to the owner. Equally the owner can be required to pay any costs of the local authority which cannot be met from the rental income.

### **Assessment Process**

23. Members were advised of the assessment procedure which the Council uses to prioritise action to improve "eyesore" empty properties. The panel was informed that the process is also used to address properties which are occupied.
24. The key element of the scheme is that 10 weighted criteria are used to devise a points score for problem properties. This system permits a maximum score of 600 points. Once a property has been identified - which can be through council officers or via public reports - a dedicated officer is responsible for completing an assessment form which records the points score. The forms are then ratified by a Co-ordinating Panel, which is made up of key officers from Regeneration and Environment. Completed assessments are then added to a register, with the highest rated priorities being addressed.
25. It was confirmed that, at February 2009, there were approximately 200 properties on the register, with action having been taken in respect of 20 properties to date.
26. Examination of this term of reference illustrated the processes by which the authority addresses the issue of environmental problems associated with empty properties.

***TERM OF REFERENCE: "To examine links with regeneration services"***

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**(ie. insofar as they relate to environmental issues in respect of empty properties).**

27. In view of the link between empty shop properties and current economic conditions, and the consequent link to environmental conditions/problems, the scrutiny panel sought to investigate the role of Regeneration in this issue.
28. The scrutiny panel was made aware of a report produced by the former Environment and Regeneration Scrutiny Panel in 2002. The panel had examined small retail shopping precincts and produced a number of recommendations. As parts of that investigation had related to environmental matters, the Environment Scrutiny Panel decided to re-visit the relevant recommendations arising from the 2002 report in order to assess progress. Updated information was presented by the Team Leader, Urban Policy and Implementation (Regeneration) and the Business Development Manager (Environment).
29. The relevant recommendations, together with the service response as agreed by The Executive, are shown in full at **Appendix 1**. The recommendations and the updated position are summarised as follows:

*See table on following page*

Summary of Recommendation	Updated Position
1. Establish a working group of all relevant parties to progress the recommendation below.	This was established and progress was made at various locations. Capital funding was obtained and significant improvements have been made since 2002.
2. Investigate the condition of small shopping centres and devise a plan for their improvement.	This relates to the comment above. This happened as Streetscene services were developed/rolled out.
3. Encourage shop shutters to be lifted during the day .	This was difficult to progress, though improvements have been made by using better forms of shutters eg with perforations.
4. When considering licensing applications for fast food outlets, cleansing regulations be considered as part of the process.	Key issues here related to cleansing standards. Major problems have been largely addressed by the development of Area Care.
5. Discourage shrubbed areas through the planning process.	This was progressed. In addition, a lot of shrubbed areas have been removed.
6. Re-examine cleansing regime for small shopping precincts.	Dealt with as part of Area Care/Streetscene arrangements.
7. Use cleanliness of local shopping centres as a performance indicator.	Dealt with as part of Area Care/Streetscene arrangements.
8. Fine schoolchildren who drop litter via increased enforcement.	This was not progressed - though the situation has improved through improved cleansing via Area Care/Streetscene arrangements. Street Wardens are also to take a more pro-active approach to this issue.
9. Take action regarding private land to the rear of shopping areas where these create litter or potential health problems.	This was progressed via enforcement action.
10. Investigate litter bin policy.	This was undertaken by Environment Scrutiny Panel.
11. Raise with Government the issue of increasing power of local authorities to act where private property is a blight.	Representations were made at a national level.

30. The scrutiny panel heard that good progress has been made in respect of most of the recommendations produced in 2002. Particular reference was made to the introduction of Area Care arrangements. This has impacted in terms of the environment surrounding empty shops by improving standards of cleanliness - for example those areas with greater levels of usage are cleaned more frequently than less well used areas.

31. Following the scrutiny recommendations, the Council commissioned a consultant to produce a Neighbourhood Shopping Strategy which included a baseline study of all shopping centres. At that time, the six worst centres were identified. since then, two of these centres have received significant investment, two have declined further and two are still in poor condition. The Council continues to work with shop owners and management companies to encourage investment at local shopping centres.

32. An indicator which has been used by Regeneration to measure the general condition/vitality of local shopping centres is the number of empty properties and hot food takeaways. A sample survey of five randomly selected shopping centres was carried out in 2004, 2007 and 2009. This shows there has not been a significant increase in either the number of empty units of hot food takeaways at any of the centres surveyed. Four of the local centres have grown in terms of shop numbers, with three showing a small increase in the number of takeaways between 2004 and 2009 (Eastbourne Road, Shelton Court and Acklam/Cambridge Road). The number of empty units has also increased at Eastbourne Road and Acklam Road. In terms of the increased numbers of empty properties, officers highlighted that Eastbourne Road local centre is situated in Grove Hill where an Area Regeneration Framework is in preparation; and the Acklam/Cambridge Road local centre is located near to the Central Whinney Banks housing renewal area - both of which are likely to have caused a knock on effect for the shops in reducing the size of the local customer base.
33. The Council supports all small shopping centres through the maintenance and management of external spaces, provision of lighting, parking and refuse/litter collection and, where the opportunity exists, through the regeneration process - for example, shops in Gresham have received funding to carry out shop-front improvements and business support packages are also available.
34. Examination of this term of reference illustrated the links between Regeneration and Environment services in addressing the environmental problems associated with empty commercial and residential properties.

**TERM OF REFERENCE: (In the context of this scrutiny topic) "To examine the Council's responsibilities and actions in respect of empty shops and properties which it manages."**

35. The Scrutiny Panel was advised that the Council's shops portfolio is managed on the authority's behalf by Mouchel's Head of Valuation and Estates and Enterprise Network. The "client side" of the portfolio is managed by the Council's Corporate Property Officer. Both officers attended the scrutiny panel to provide information on this aspect of the panel's investigation.
36. The Council's Corporate Property Officer advised that the Council was responsible for commercial/shop units in the following areas:
- Viewley Centre, Hemlington.



- Town centre units underneath Vancouver House and Broadcasting House and in Gilkes Street.
- Beresford Buildings, Thorntree.

37. Of approximately 59 units in total, approximately 90% were occupied in May 2009. There are no significant issues concerning the empty units - especially given the current unfavourable economic climate. Levels of occupancy and turnover are, in fact, on a par with those expected under normal economic conditions. In some locations, the empty properties are protected by metal shutters. While this may mean that the units are not the most aesthetically pleasing, it also ensures that they do not need to be boarded up and prevents vandalism and damage. As a result, all empty commercial properties are available for letting.
38. There are no current issues concerning the state or environmental condition of any of the empty units. Regular checks and inspections are made of such units as part of a rolling programme of works.
39. Mouchel's Head of Valuation and Estates and Enterprise Network also addressed the scrutiny panel. It was advised that Mouchel manages 52 shop units on behalf of Erimus Housing, with other additional units being managed solely by Erimus. Again, there are no significant environmental issues or concerns regarding unoccupied units and turnover levels in terms of tenancy are normal. Occupancy levels are approximately 90%, with an ongoing level of interest from potential tenants in respect of empty units.
40. The scrutiny panel also made reference to its discussions with Erimus Housing in respect of empty commercial properties in its ownership.
41. Examination of this term of reference illustrated the current position regarding empty shop/commercial units in the Council's portfolio.

***TERM OF REFERENCE: (In the context of this scrutiny topic) "To examine the role of other agencies, such as social landlords/housing associations."***

42. In examining this term of reference the scrutiny panel heard from Ms C Smith, Managing Director of Erimus Housing. Information was submitted in respect of :
- Erimus' housing stock
  - Shop units

**Erimus' Housing Stock**

43. It was indicated that at the time that Erimus Housing had taken on the former Council housing stock (November 2004) of 12,150 properties there was a high number of empty properties. At that time, there were 322 properties available to let with 481 not available for various reasons

including void properties and those awaiting repair. The re-let time for properties that became vacant was 110 days.

44. Since 2004 the number of properties managed by Erimus has reduced due to right to buy sales and demolition. The updated position (March 2009) is that of the 10,827 housing properties currently managed by Erimus, 47 properties are empty/available to let and 577 are not available to let. The re-let time has reduced to 31 days. Many of the empty properties have been taken out of the current letting stock and listed as long-term voids, awaiting future plans. Most of these properties are in Grove Hill and will be dealt with as part of the Area Regeneration Framework. This programme is scheduled for completion by the end of 2009, when it will be determined how many of the void properties will be demolished and how many will be refurbished for future renting.
45. Erimus has demolished 755 properties across the town. This is because it is not in the organisation's best interests to keep properties empty for a long time, as this incurs costs such as council tax and security. Plans are currently being drawn up to replace demolished properties via re-build schemes, especially in the Grove Hill area.
46. The scrutiny panel was also advised of the current position in respect of Erimus-owned empty properties in other areas of Middlesbrough as follows:
- Gresham currently has a number of void properties. These are linked to Phase 1 of the ongoing regeneration scheme.
  - In Hemlington, many of the unpopular flats have been converted into three or four bedroom family homes. These have been easier to re-let, although some properties are still to be appraised to determine their future viability.
  - Netherfields tower blocks - Of the three blocks at Netherfields, refurbishment of Welton House is now complete. The other two blocks are scheduled for demolition in August 2009. These blocks were used to accommodate the tenants of Welton house during its refurbishment.

#### **Shop Units**

47. The panel was informed that of the shop units for which Erimus was responsible, around 60 were currently empty. Of these, five or six have been or will be demolished and five are awaiting new tenants. At Westerdale Road shops, all units apart from one are currently empty. As that tenancy will expire in August 2009, the entire block will be demolished once the tenant vacates. Some empty shop units had been altered to residential accommodation, which has improved their appearance and the visual amenity of the area.

48. The scrutiny panel was also advised of the following in response to questions from panel members:

- The process followed when an Erimus property becomes empty: A property is initially inspected. This takes place during the four week notice period required from tenants, or after they have left if notice was not given. This ascertains if any minor repairs or redecoration is required. If a lot of work is required at the property, this involves use of capital funding and the property becomes a void. In this case it is subject to a planned work programme.
- Erimus aims to address an empty property as soon as possible, making it secure where necessary. This is to prevent it from becoming a target for vandals, or a dumping ground for rubbish. In this regard a lot of work has been undertaken in Grove Hill in particular and Erimus also works closely with the police, fire brigade and Middlesbrough Council to prevent problems, or to address them as they arise.
- There are currently empty Erimus dwellings in all areas of the town. These vary in condition. The ongoing economic recession has increased the number of vacant properties. This has also affected progress in the Grove Hill Area Regeneration programme in that it is now estimated that it could be two years (ie early 2011) before the site is fully cleared. The timetable for relocating tenants can still progress but full completion of the scheme may be delayed.
- Resources to deliver Phase 1 of the proposed improvements programme in Gresham are already in place. Phases 2 and 3 may possibly be affected by the economic climate. The position concerning any properties which become vacant, difficult to let or void will therefore be kept under review. If the overall strategic plan for Gresham was to be changed in the future, the properties which were empty at that time would need to be inspected and an assessment made as to whether they could be refurbished and let. In the worst cases - such as where new roofs or full damp proof courses were needed - costs could be

extensive (up to £30,000 per property) and a decision would therefore be required on the cost effectiveness of refurbishment.

- Policies regarding different areas are under constant review. For example, Pinewood Avenue in Grove Hill had been demolished even though there may have been an overall demand for two bedroomed houses at that time. Other factors are taken into account and it had been Erimus' view that the properties at Pinewood Avenue were not suitable for refurbishment.
- In terms of environmental appearance, the panel queried the position regarding wrought iron fencing in the Claireville area of Grove Hill, which is being replaced by wooden fences, which are less durable. The panel was advised that

it is too expensive to provide new wrought iron fencing or transfer existing fencing from empty or void properties.

49. The panel was also informed that Mouchel is currently responsible for managing some of the Erimus shops portfolio. Further information is included on this in the section of this report which deals with the management of Council owned shops.
50. Examination of this term of reference illustrated the position in terms of Erimus Housing's empty properties and how the organisation is managing the issue.

## **CONCLUSIONS**

51. Based on the evidence gathered throughout the scrutiny investigation the panel concluded that:
  1. Empty properties, whether commercial or residential, can create problems of nuisance or blight in a local area, for example through illegal access leading to vandalism or, in the worst cases, through disrepair and dilapidation. Problems are generally exacerbated in the longer term where properties fall into disrepair and, as this happens, the possibility of a property becoming occupied diminishes, thus worsening the position. Action is therefore needed by all relevant parties at an early stage as possible to ensure that such problems are addressed and alleviated. Early intervention will also mean that less Council resources are needed over the longer term.
  2. The Council is the key organisation which is actively involved in addressing environmental problems associated with empty properties. This is undertaken through the use of relevant legislation for enforcement, liaison between relevant Council departments and liaison with Mouchel, the authority's partner organisation, which is involved in managing some of the authority's properties.
  3. The initiative of identifying problem/eyesore properties and then using a points system to prioritise action in respect of them initially resulted in progress being made in this area, although there has since been a hiatus as the relevant post has been vacant . The scrutiny panel welcomes the fact that the post has been filled and looks forward to further progress. The development of a system to ensure that intervention action is taken as soon as possible to prevent properties from becoming derelict/eyesores in the first place would also be beneficial.
  4. The Council is well placed to advise owners of empty properties (whether commercial or residential) on possible courses of action relating to their property. The provision of such advice - for example on owners' legal obligations, or in relation to renovation or disposal - could assist in addressing environmental problems associated with empty properties at an early stage.
  5. Erimus Housing, which is Middlesbrough's biggest social housing landlord, also has an important role in managing the issue of empty properties, particularly in

view of its ongoing regeneration schemes and the associated demolition of properties. In some areas, the type of shutters which have been fitted to empty properties have been less visually intrusive than the normal green metal type.

6. There are currently no major environmental issues concerning empty shops/commercial units within the Council's ownership. Measures are in place to ensure that empty units are inspected, secured and well maintained.

## **RECOMMENDATIONS**

52. Following the submitted evidence, and based on the conclusions above, the scrutiny panel's recommendations for consideration by the Overview and Scrutiny board and the Executive are as follows:
  1. That the Executive is advised that the approach taken by the Council to addressing environmental issues associated with empty properties has made some progress. In particular, the system of using a points and priority system to take action in respect of dilapidated buildings is endorsed and should continue to be used.
  2. That information is shared between the Council and its partner organisations to highlight empty properties where future action may be needed in respect of environmental condition. This should aim to ensure that action can be taken as early as possible in respect of:
    - Short term empty properties.
    - Long term empty properties.
    - Problem empty properties in a dilapidated condition.
  3. That, in order to avoid resource-intensive enforcement action at a later date, intervention in respect of the condition of empty properties is made as soon as possible, such as:
    - a) By monitoring the position in respect of empty private sector shops. Any potential issues of disrepair, damage, or dilapidation should then be addressed at an early stage by contacting property owners.
    - b) By publicising the issue of owners' obligations in respect of empty properties.
  4. That, in the case of its empty housing properties, Erimus Housing is encouraged to use the more aesthetically pleasing type of shutters which have been used in some areas. This would be particularly beneficial in areas of large-scale empty properties.
  5. That the position concerning the use of legal/enforcement powers to address the worst case properties is monitored by the scrutiny panel and that a progress report on this issue is submitted to the panel in approximately six months. The report should also include an update on the points and priority system which is also used to deal with such properties.

## **ACKNOWLEDGEMENTS**

53. The scrutiny panel is grateful to those who have presented evidence during the course of this investigation and who have assisted in its work. Panel members would like to place on record their thanks for the willingness and co-operation of the following:
- J Duffield - Environment, Middlesbrough Borough Council
  - J Lewis - Regeneration, Middlesbrough Borough Council
  - M Shepherd - Corporate Services, Middlesbrough Borough Council
  - C Smith - Erimus Housing
  - T Wake - Mouchel

## **BACKGROUND PAPERS**

54. The following background papers were consulted or referred to in preparing this report:
- (a) Minutes of Environment Scrutiny Panel Meetings: 16 February, 6 March, 30 March, 17 April and 11 May 2009.
  - (b) Environment and Regeneration Scrutiny Panel Final Report to Executive - Small Retail Shopping Precincts - 6 August 2002.

**COUNCILLOR BOB KERR  
CHAIR OF THE ENVIRONMENT SCRUTINY PANEL**

19 June 2009

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**RECOMMENDATIONS RELATING TO ENVIRONMENTAL MATTERS  
ARISING FROM THE 2002 ENVIRONMENT AND REGENERATION  
SCRUTINY PANEL'S EXAMINATION  
OF SMALL RETAIL SHOPPING PRECINCTS**

<b>Scrutiny Panel Recommendation</b>	<b>Service Response - as approved by The Executive on 6.8.02</b>
<p>1. A working group of Authority Officers, Local Councillors, Shop Traders, Local Residents and other stakeholders is developed to discuss the recommendation outlined below.</p>	<p>Accepted.</p> <p>Such a group could guide the work of the project officer, however in terms of physical intervention it will be necessary to have a very tight focus on one or two centres and perhaps set up a local forum of property owners, traders and local regeneration partners.</p>
<p>2. The condition of streetscene of small shopping centres that have a long term future be investigated and a plan derived as to their improvement.</p>	<p>This will be developed as part of the flexed standards as Streetscene is rolled out and resources redirected.</p>
<p>3. With regard to shop shutters, the Panel would wish for the Authority to encourage shutters to be lifted during the daytime. In particular it would ask when considering licensing applications for shop premises that this issue is taken into account.</p>	<p>Attempt voluntary agreement.</p> <p>There is no statutory framework to enforce such an approach. Shutters in themselves do not require planning consent especially if they are housed when rolled up behind the fascia. Large shutter boxes or changes influencing the overall shop front do require such consent but it would not be possible to require shutters to be lifted during daytime hours. Such a request could not be shown to be necessary, relevant to planning, relevant to the development, enforceable or reasonable and as such fails to fulfil the requisite conditions.</p> <p>No other licensing provisions could achieve that objective.</p> <p>The concerns of the panel are recognised but a remedy not available other than direct appeal to the owners.</p>
<p>4. When considering licensing applications for shop premises and fast food outlets cleansing regulations be considered as part of the licensing process.</p>	<p>Weak Statutory Framework</p> <p>Few premises are licensed by the Council (mainly butchers). All food premises have to be registered but this is to facilitate inspection and cannot impose conditions.</p> <p>During such food inspections cleanliness is assessed but only in relation to food safety risk. The external appearance of a food premises could not be covered.</p> <p>Some food businesses require a late night refreshment licence – cleansing is not a condition which could be attached to such a licence.</p>

	Supplementary Planning Guidance is currently being considered which would require contributions as part of planning obligations but this has limited application.
5. When new planning applications are introduced to the Authority, that shrubbed areas be discouraged.	<p>Agreed – within limits.</p> <p>It will always be an essential part of any new development that landscaping be provided. Policy E32 of the Local Plan requires that landscaping complements and enhances the built environment.</p> <p>There will be occasions where not only hard but also soft landscaping is essential and shrub provision the only solution. In such circumstances the formation of litter traps is actively discouraged.</p> <p>Streetscene inspectors are now looking much more critically at the maintenance costs of particular landscaping and will be seeking to reduce such demands whenever possible.</p>
6. The cleansing regime with regard to small shopping precincts of the Authority be re-examined to ensure that cleansing takes place when most litter is accumulating in particular at lunchtime and on an early evening.	<p>In hand.</p> <p>The Streetscene Review will create new ‘flexed standards’ which should see greater emphasis on the town and shopping centres. This will lead to changes in working practices and infrastructure as resources are re-directed toward service needs.</p>
7. Cleanliness of local shopping centres be a key indicator of the Authority’s cleansing unit.	<p>Accepted.</p> <p>This will be a Key Performance result when the new standards are devised.</p>
8. The approach of fining school children who drop litter be increased and that litter enforcement officers to visit shopping precincts on a lunchtime on a regular basis.	<p>This is accepted and will be undertaken.</p>
9. Action is taken with regard to privately owned land at the rear of shopping areas if they were defined as a health or nuisance in accordance with current legislation and that under new legislation those areas that are a litter problem.	<p>Accepted.</p> <p>No resources for regular patrols. Guidelines identifying the circumstances when intervention is possible will be produced.</p> <p>Consideration of civil remedies will also be undertaken eg. Charging for the clean-ups but these have very limited application.</p>
10. The Council investigates its litter bin policy as the panel believes that at present most litterbins are too small and the	<p>Accepted</p> <p>Policy to be reviewed.</p>



location of litterbins be investigated as part of the policy review.	
11. The Authority should raise with central government the issue of increasing power of local authorities to be able to act in circumstances when private property becomes a blight.	Review of current powers and use to be undertaken. Processes of 'influence' to be more fully investigated.