

BATH AND NORTH EAST SOMERSET

MINUTES OF CORPORATE POLICY DEVELOPMENT AND SCRUTINY PANEL MEETING

Thursday, 21st April, 2022

Present:- **Councillors** Karen Warrington, Winston Duguid, Lucy Hodge, Shaun Hughes, Alastair Singleton, Sally Davis, Mark Roper (in place of Mark Elliott) and Duncan Hounsell (in place of Andrew Furse)

Apologies for absence: Councillors: Hal MacFie

86 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

87 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure.

88 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Elliott sent his apologies and was substituted by Councillor Roper.

Councillor Furse sent his apologies and was substituted by Councillor Hounsell.

Councillor MacFie sent his apologies.

89 DECLARATIONS OF INTEREST

There were none.

90 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

91 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

Councillor Warrington explained that as Chair she would allow Bob Goodman to make a statement to the Panel. Bob Goodman made a statement regarding the Commercial Estate. *A copy of the statement is attached to the minutes.*

92 MINUTES - 28TH MARCH 2022

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chair.

93 CABINET MEMBER UPDATE

The Panel received an update from Councillor Richard Samuel, Cabinet Member for Economic Development and Resources:

Finance

- The finance team are currently working on the end of year outturn which should be ready in a few weeks.

Economic Development

- There will be a member briefing on the launch, regarding the North of the City.
- There has been continued engagement with other landlords which has been positive and effective.
- Keynsham High Street is at the final snagging stage.
- Some funding bids from WECA have been approved including a bid for the Fashion Museum. Four local high street project bids have been approved as well as the first phase of the Riverline funding.
- York Street resurfacing will be finished in a few weeks.
- Somer Valley Enterprise Zone options are being worked through.

Panel Members asked the following questions and raised the following points:

Councillor Hughes asked about the outstanding issues on the Somer Valley design. The Cabinet Member acknowledged that we are not completely there yet but that the last meeting was positive.

Councillor Duguid asked if any major changes were expected in the outturn report. The Cabinet Member stated that the position in February was about right. The over/underspend in Children/Adult Services are balancing each other out at the moment. Councillor Warrington asked what percentage of the budget this represented, the Cabinet Member stated that it was in the range of 78-82%.

Councillor Duguid stated that the Panel will be looking at the Risk Register in June and urged the Cabinet Member to be mindful regarding cyber-attacks. The Cabinet Member explained that there were additional resources in the budget regarding IT resilience .

94 STRATEGIC PERFORMANCE INDICATORS QUARTER 3 REVIEW

The Chair invited Steve Harman, Head of Corporate Governance and Business Insight, to introduce the report. He explained that when he reported to the Panel in Autumn 2021, there had been around 260 KPI's which had now been whittled down to 22. These are contained in a quarterly report to Cabinet.

Panel Members raised the following points and asked the following questions

Councillor Singleton stated that it was great to see the KPI programme coming along and asked if Panel members could see the 260 KPI's so that they could have some input and help shape the basket. He stated that the system needs to be robust and stand up to scrutiny. The officer explained that he would send the KPI's on but had not brought this to the Panel meeting as it would take too much time. He explained that officers work with the relevant Cabinet Members on this.

Councillor Hodge asked the following questions (*officer responses shown in italics*):

- The access along the bottom of the document could be emphasized. *The officer explained that this aspect is emphasized more when the system is viewed live.*
- Regarding the reablement service – the figures for 2018-21 are shown, there is a sudden drop away from the target recently, can you explain.
- Regarding the Adult Safeguarding 20% of enquiries, the risk was not reduced. What does this mean. *Inquiries will be made to the relevant officer on the questions above and Panel members informed.*

Councillor Duguid commented that some dates show 31st December 2021 and other dates are from 2020 – does this mean management are looking at old data. The officer explained that some KPI's have annual indicators, so they are only collected once a year. Where possible we try to use quarterly or monthly figures.

Councillor Davis commented that children's EHCPs are going up but how does this compare with those wishing to be assessed. The officer explained that he would ask the relevant officer about this and inform the Panel member.

Councillor Hounsell stated that it was important that all data available is accessible to the Panel. He commented that a small number of Council's are in special measures and in a bad financial state, the point of the Scrutiny Panel is that this does not happen here. Clear and independent scrutiny is important. The officer stated that Directors, Head of Service and Cabinet Members are updated regularly so there is confidence that there will not be any surprises. The recent Ofsted report in Children's Services praised the data.

Councillor Hughes asked if the statistics break down into 'Bath' and 'North East Somerset'. The officer explained that most are at BANES level but some are broken down.

Councillor Hodge asked about the Department of Transport indicator and how the average was arrived at. The officer stated that he will check and inform the Panel members.

It was **RESOLVED** that the Panel note the performance of the Council against its basket of Strategic Performance Indicators and gave feedback on this.

95 COMMERCIAL PROPERTY ESTATE

The Cabinet Member for Economic Development and Resources, Councillor Richard Samuel introduced the item, he stated that there is a long history regarding the

Commercial Estate and not always a happy one. He stated that there is a need for regular inspection in this area which has not always been done when the Council Administration at the time had decided to disinvest. There has recently been an independent review which was reported to this Panel, the recommendations were taken on and actioned. If we want a functioning Commercial Estate, we have to maintain and invest in it. Market conditions are tough. He stated that the public statement was fundamentally incorrect.

The Chair invited Simon Martin, Director of Regeneration and Housing and Richard Long, Head of Commercial Estate, to give a presentation to the Panel which covered the following:

- Commercial Property Update
- The starting position
- Commercial Estate
- Finance Functions
- Property Review Project – Governance Structure
- Commercial Market Outlook
- Rent Expectations
- Immediate Priorities
- New Letting achieved for 2021/22
- Commercial Estate Arrears
- BANES whole estate rent arrears position at 4th April 2022
- Commercial Estate Priorities – next 12 months
- Time scales/the year ahead – Commercial Estate
- Risks to the Retail Structure and Commercial Estate

Panel Members raised the following points and asked the following questions

Councillor Singleton asked how much of the nearly £1m of previous tenant debt will be bad debt. The officer explained that the Income Recovery Team are constantly reviewing this situation, some of the debt is from companies that no longer exist.

Councillor Hughes asked about the decline before Covid and the reasons for this. The officer explained that this was mainly in connection to the retail sector – this was already in decline due to changing trends such as the emergence of online shopping.

Councillor Hughes asked about the average annual rent for new lettings. The officer explained that it is hard to give an average. He added that most of the 32 new lettings are in Milsom Street. He stated that some units can be £5k per year in different areas of the authority. Responding to a query from Councillor Hughes about tenants seeking for reduced rents, the officer agreed that this may be the case.

Councillor Hughes stated that there had been a lot of action based on the 22-page independent report – he asked how confident the officers are in the recommendations and why was this not addressed before. The officer explained that the main areas of challenge in the report were the areas that are being restructured. He further explained that the main benefits of the report were that some basic foundations that have now been put in place.

Councillor Hodge asked what is the nature of the consultation and what is involved in each stage. The officer explained that the consultation is with staff in two teams regarding the reorganisation of resources.

Councillor Hodge asked about risks in terms of team capacity and recruitment. The officer explained that there is strong competition for surveyors, and we need to remain competitive as an employer and succession planning is also important.

Councillor Duguid asked about the impact of inflation. The officer explained that we will see an impact. We need to retain engagement with tenants so we can spot problems. There has been some change to the structure of the leases.

The officer explained that the Property Hub has opened in the city centre which means a more accessible and visible landlord. We are looking at investment in the city as a destination experience which also supports retail eg. Great Bath Feast.

Councillor Duguid asked about the Post Office, the level of service means people are not attracted into the city for this purpose. The officer explained that this is a leased provision, a sub-let within a commercial setting. It is difficult to influence a commercial operation although we could do some intelligence on the lease break.

Councillor Warrington stated that, sadly, some companies may fail – is there flexibility over leases for pop-ups to help with cash flow. The officer responded that this will continue and commented that sometimes pop-up shops have allowed businesses to get a toe hold into the market. The officer stated that he could provide the monitoring results to Panel members (regarding short term tenants converting to long term).

It was **RESOLVED** that the Panel note the presentation.

96 **ADL BUSINESS PLAN**

The Panel, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, **RESOLVED** that the public shall be excluded from the meeting for the following item(s) of business and the reporting of the meeting be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended.

97 **PANEL WORKPLAN**

The Panel noted the future workplan

The meeting ended at 5.55 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bob Goodman, statement to Corporate Panel on 21st April 2022 on 'Commercial Estate'

I wonder how many of you, having put themselves forward to what is undoubtedly the Council's most important Scrutiny Panel in that it includes the Council's Commercial Estate, have taken the trouble to walk around the Estate with a professional Surveyor to see the issues that the Estate is facing.

As many of you know, my professional career started nearly 50 years ago with what was the Estates Department of the then Bath City Council and, as I've said many times, that was perhaps then, the Premier Corporate Department of any Council in the Country earning so much income that the precept charge for Bath, in the Avon days, was NIL.

The problem with reports like the one which has been submitted to Scrutiny Panels, is, Officers tell you what they want you to hear, not what you need to hear.

I recall only too well, as Vice-Chair of this exact Scrutiny Panel in 2016, on receiving a report by Officers by an Independent Surveyor's review of the Commercial Estate that I had indeed asked for, the Report which came to the Panel was a complete 'white-wash'. I asked for the full Report rather than the few snippets which Officers would allow us, as elected representatives, to see.

I found this totally unacceptable and proposed, to the Panel, that we should be given the whole report and, if necessary, go into 'closed session'.

That Motion was passed, so, when a few days later, I asked for the Report, you will no doubt be surprised that I was refused it, as was the whole Panel.

I was given no reason why, apart, apparently, because I was a Chartered Building Surveyor. This was a fragrant breach of what elected members can expect from Officers, and I'm happy to expand on this if you wish me to do so.

I have never officially seen that report but urge you to press for its release to you and see if the recommendations have been implemented – I suspect you can guess for yourselves whether or not they have.

The Commercial Estate has been poorly run for many years under several Administrations of different political persuasions who have failed to examine exactly what has been happening – I wonder how many of you have seen the Commercial Estate's Priorities in this Report. You have to ask - why weren't the 7 recommendations already adopted. It says it all.

YOU must ask why these principals haven't been accepted over the last 10 years.

The 'profit' from the Estate has been used to reduce the Council's Tax Bill through Bath & North East Somerset, without any investment into the properties - they have been bleeding the Estate dry.

Any property company having the sort of Portfolio which Bath has, which I recall was worth in excess of £350 million, would be reinvesting sizeable sums into the maintenance and improvement of properties, but, sadly, even with the right leadership going forward, I suspect it will be far too late.

You may ask what do I want this Panel to do; well, it's quite simple – you must insist on a wholly independent review of the Commercial Estate without any interference AT ALL.

Yes, I accept there has been a Chartered Surveyor employed recently to report, but that has been under the umbrella of the current Officers and Administration and not totally independent.

There needs to be a root and branch review into how the Estate has failed to manage and indeed take forward the Portfolio to again become the financial envy of other Local Authorities.

When you see that the so-called independent Development Company (ADL) having Directors with earnings of over £160k, earning profits of may be a few million, but yet Directors controlling the Commercial Estate which HAD been earning profits of over £18 million, earning a fraction of that, you have to ask why!

It hurts me, as a resident and, even more as a Chartered Surveyor, to hear the way follow professionals in the City speak openly to me about how poorly the Estate is run.

I know I will make few friends with what I have said but, when you speak to people as I do, you would realise the way the in which the Estate has been managed is alarming to say the least.

The see that the Council has decided to change the leadership to give the overall responsibility of the Estate to what is an accountant is, quite frankly, ridiculous unless they have had considerable experience of running a Property Company.

I hope you will carefully consider what I have said and not be afraid of recommending to review what I have proposed.

Clearly, the way in which ADL has been allowed to expand beyond its original remit is, in my opinion, of major concern for this Authority. It has been a failure in so many ways and is there to fuel the huge salaries the Directors are drawing, without any financial risk, and having the benefit of a protected pension. This, in my opinion, is totally unacceptable.

They need to be taken back into the Council and wholly controlled by the Council and NOT be responsible for the repurposing of the Commercial Estate as being proposed.

Why do we need this Company to build Council Houses; in my time in the 1970s/80s, we used to build/convert 100+ flats/houses per year and didn't earn those salaries!

Please investigate these issues – you owe it to the residents to do so!

How much longer is the City Centre going to continue to suffer, empty shop after empty shop, dirty streets, broken paving slabs. We deserve a great deal more. I ask that you go into the press release of the Council trumpeting the letting of Commercial Property, see how many were vacant shops, how many were offices, and how many were re-lets.

There will be many who will politicize what I am saying, but this has nothing to do with politics, but its for the desire to see Bath treated in the way it should be.

Just look at what St John's, or the Southgate Development has done with their Portfolios and, perhaps, one can learn from them. They don't blame 'Covid'.

Bob Goodman FRICS

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