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24 April 2020

To: **MEMBERS OF THE STRATEGIC DEVELOPMENT KEY AREA GROUP, BURGESS HILL TOWN COUNCIL**

A **MEETING** of the **STRATEGIC DEVELOPMENT KEY AREA GROUP** will be held online on **29 April 2020 at 18.00 hours**, when your attendance is required.

Steve Cridland
Chief Executive Officer

Following government advice on social distancing, essential Council Meetings will be held virtually during the Covid-19 period. All papers will be published on our website as usual. Members of the public can attend the meeting by using the Skype link that will be placed on the town council's website and social media shortly before the meeting takes place.

****PLEASE NOTE THE START TIME OF THE MEETING****

Filming, recording of Council meetings and use of social media:

During this meeting members of the public may film or record the Committee and officers from the public area only providing it does not disrupt the meeting. The Confidential section of the meeting may not be filmed or recorded.

If a member of the public objects to being recorded, the person(s) filming must stop doing so until that member of the public has finished speaking.

The use of social media is permitted but members of the public are requested to switch their mobile devices to silent for the duration of the meeting.

A G E N D A

1. OPEN FORUM

Members of the public are invited to put questions or to draw relevant matters to the Council's attention. Each member of the public is allowed to speak once only in respect of a business item on the agenda (whether in the Open Forum or during the meeting) and shall not speak for more than three minutes at the discretion of the Chairman.

If it appears that the number of speakers is likely to unreasonably delay the disposal of business items on the agenda the Chairman may direct that a member of the public submits a question or comment in writing which shall be answered in due course.

2. APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. DECLARATIONS OF INTEREST

In respect of any matter on the agenda.

5. NOTES OF THE STRATEGIC DEVELOPMENT MEETING

Notes of the meeting held on 19 February 2020 (previously distributed).

7. ASSETS OF COMMUNITY VALUE

- 1 An asset can be an ACV if its main use furthers the **social well-being or social interests of the local community**. It is possible to nominate assets that are in either public or private ownership (but note not all private assets are eligible for inclusion). The range of assets that can be considered to enhance a community's social well-being is wide and can include:
 - Parks and open green spaces
 - Leisure centre
 - Libraries
 - Theatres, museums, heritage sites, cinemas
 - Community or youth centres
 - public toilets
 - town, civic and guild halls
 - Any asset of economic use (e.g. a business such as a shop or pub) which also provides an important local social benefit that would no longer be easily available if the service should cease (e.g. shops, pubs and markets). A distinction may be drawn, for example, between a village pub or shop and a pub or in a town or shopping parade. If it is the only pub or shop then it is more likely to be considered suitable to be an ACV compared to being one of several of a kind.

Social well-being and interests means land and buildings that are or have been or will be used (in particular) for cultural, recreational or sporting interests.

Also there should be:

- broad and inclusive use of the asset across the community, or
- use by a part of the community that would not be provided otherwise or is not provided in the locality e.g. elderly people, children
- proposed usage, if different, must comply with current planning regulations.

2. Assets that would not normally be considered as having 'community value'

- administrative offices
- land or property where community use is secondary to its main purpose
- land attached to residential property (although the regulations set out certain exceptions for shops and pubs)
- Homes and hotels
- land covered by Caravan Sites and Control of Development Act 1960
- land used by public utilities, defined as operational land in section 263 of the Town and Country Planning Act 1990
- Church of England land holdings
- Assets being transferred between kindred businesses.

3. Regulations provide for only specific eligible voluntary and community organisations to nominate assets of community value. Town and Parish Councils and certain voluntary and community groups can make nominations.

4. The register of ACV is maintained by Mid Sussex District Council.

5. On receipt of a completed nomination form, MSDC must decide after validation whether to list the asset within eight weeks of receipt. If they do, MSDC will then add the nomination to an ACV List, which will list all nominated assets both successful, and unsuccessful.

6. ACVs included on the List of Assets of Community Value will remain on the list for five years. A land charge will be registered against the property, land, or asset in such cases.

7. If an area of land or a building is listed as an ACV, the owner cannot then dispose of it without notifying the council in writing. An ACV can only be disposed of under specific circumstances.

8. Interim moratorium: If MSDC receives such a written notification from the owner, it will notify the nominating group of the intended sale. The owner is unable to dispose of the asset for a six-week period to give the nominating group the chance to request that it is treated as a

potential bidder for the asset. The nominator must submit their intention to bid in writing, within the six weeks to MSDC.

9. If the nominating group confirms that it does wish to submit a bid, the six month “moratorium” period commences from the date when the owner notified MSDC of their wish to dispose of the asset (six-week interim moratorium is included in the six-month moratorium period). The asset cannot be disposed of during this period. This allows time for the community to develop its bid to purchase the asset. The asset owner cannot dispose of the land or building during this period, unless it is to the community group or covered by one of the specific exemptions in the Regulations.
10. **The sale of listed assets takes place under normal market conditions and, whilst the community group is given a chance to submit a bid, the owner is not bound to accept it.**
11. If the nominator decides not to submit a bid, then the asset owner is free to dispose of it on the open market.
12. The owner of an asset included in the list of community assets may ask MSDC to review the decision to list the asset.
13. **Note:** Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal. Care should be taken in listing an asset if it in so doing it is merely designed to delay a sale.

Current position in Burgess Hill

14. Other than the recent request to support the inclusion of The Weald pub onto MSDCs List of Assets of Community Value there are no entries on the List from Burgess Hill. The application to list The Weald was unsuccessful.

Does the List provide protection?

15. No. The List does not guarantee protection for community assets it is a defence or an opportunity to protect ACVs but as has been seen above there is no obligation on the owner to sell to a group that makes a community bid.

Are there assets in Burgess Hill that should be considered for inclusion on the List?

16 There are many public and private assets in Burgess Hill that may be considered for inclusion on the List. This may include:

- Burnside
- The Orion Cinema building
- The land between 75A and 77 Chanctonbury Road
- the pubs across the town (note the difficulty of doing this where there are several pubs as opposed to a single village pub)
- Church buildings that are not Church of England (e.g. Salvation Army)
- St Johns Park Pavilion
- Burgess Hill Library
- The Mosque
- The Old Post Office
- Burgess Hill Theatre Club
- The buildings of Burgess Hill Girls school
- Burgess Hill Football Club stadium
- Marle Place
- Park Centre

(Note it has not been checked whether all are in fact eligible for inclusion)

17 Consideration should be given to the approach to making applications to put assets on the List.

- Whilst the Town Council can make applications it is also open to unincorporated community groups (a group consisting of at least 21 persons) and not for private profit organisations (e.g. charities).
- Whether it is practical to list all eligible assets given the financial limitations on actually bidding for them.
- Whether there is community support for inclusion of the asset on the List (community engagement with this project is essential).
- Whether there is a viable alternative community use or continuation of the existing community use (e.g. a distinction might be drawn between the buildings of Burgess Hill Girls and Burgess Hill Library).

Robert Eggleston
22/4/2020

8. OPEN MARKET

The Council has for some time been considering setting up an open market. An online meeting was held with the National Market Traders Federation and Cllr Eves has provided the following report:

RE described B Hill's situation: 30,000 popn, rising soon to 45,000. Used to have a market on Waitrose car park in 1980s, then Cyprus Rd car park 1992-96, then it closed.

Cllrs Roger Cartwright (Chairman), Graham Allen, Joseph Foster, Kathleen Willis, Andrew Barrett-Miles, Robert Duggan

NMTF recommended we try for 15-20 stalls to start with, and for a once-a-month Saturday market. We pointed out we don't have a baker or greengrocer or fishmonger in town, so those would be high on our list for stalls to attract. Late August or early September is a good time to start, circumstances allowing.

NMTF recommend starting a search for stalls two months ahead: they would help on social media putting out a call to their members, advertising that we are starting a street market.

Traders need their own liability insurance. BHTC would need it too as Operator, but this could be an add-on to our existing policy?

Initially traders could provide their own stalls & gazebos. You can get a company to erect & dismantle the stalls, but it's extra cost. A manager can be found from existing traders or among retired traders. Or BHTC could use a maintenance man for the supervision on the day, and back-room staff to do the paperwork. Might need 2 days' man-hours per month? A trader could do the fee-collecting, or a councillor, initially until we find a trader/manager.

We would investigate how much stallholders pay locally, to establish our fee (eg Hassocks £17.50).

Traders who need electricity must bring their own generator. Those using gas need a gas certificate.

BHTC may need an annual licence or regular planning permission for a monthly session, from WSCC. We already host the French market, with about 20 stalls, even with the stone garden in place. Removing the stone garden would help.

Existing shops can react badly at the start, but they soon realise that footfall increases so it's in their interest to support the market.

Involving charity stalls can be a good idea, eg one per month on a rotating basis, because charities pull in the public as well.

NMTF said several times: ***Setting up a street market is not rocket science***

Consideration will need to be given to what type of goods will be sold. It could be a themed market eg a farmers market or a general market where anything goes. Some markets employ a contractor to erect uniform gazebos and remove them. The council could do this but to purchase, erect, remove and store 15 to 20 gazebos may be beyond the realms of the maintenance team. It is suggested that traders

provide their own tables and gazebos at least initially. Similarly if traders want electricity they will need to provide a silent generator. The necessary licences from MSDC and WSCC will need to be obtained and this should be straightforward.

Traders dealing in food will need to produce a food hygiene certificate.

It would be useful to establish a small Market group to discuss matters which may arise such as how many of one type of stall will be allowed, sizes of stalls and other day to day issues which may arise.

Recommended:

1. That consideration be given to establishing a monthly open market on Church Walk on a day to be identified and the necessary permissions be obtained from WSCC and MSDC and that insurance cover be added to the Council's insurance policy
2. That social media and any other resource including the National Market Traders Federation be used to identify and attract traders.
3. That consideration be given to a fee to be charged to traders including start up incentives.
4. That BHTC staff be used initially to establish the market and consideration be given later to alternative management.
5. That consideration be given to what type of goods could be traded and what not.
6. That a small Market Group be established to make decisions regarding the general running of the market.

9. TRADING SPACES

1. In common with other UK high streets, Burgess Hill has a high proportion of idle units which are situated mostly in the Martlets Shopping Centre which is part of the NRR redevelopment plan. It cannot be guaranteed that those designated for independent retail will be let easily. There are also other units in Church Road and Church Walk that are also available for rent.
2. The reasons for high street decline in the UK have been documented by industry bodies and government. It is the combination of a move to online shopping, the burden of business rates and commercial rents, changing spending habits (more experience led) that have been some of the drivers of this rapid change. In addition, overcapacity in some sectors (e.g. hospitality) and some structural financial problems in retail (e.g. high debt levels) have driven store closures.

3. In addition, in common with the rest of the UK, COVID-19 is having a dramatic impact on social interaction, consumer spending and the investment plans of businesses with a high street presence. The UK is in recession and there is a risk of this becoming a depression even if it is only of a short duration. However a 'V' shaped recovery is unlikely and it will be some years before businesses consider expansion.
4. Locally, footfall in Market Place shopping centre has fallen by 20% in the last 3 – 4 years. A combination of the general trend away from High Street shopping but also reflecting the impact of the stalled NRR redevelopment. UK High Street footfall fell 7% in February 2020 due to the poor weather and before lockdown due to Covid-19. These trends and the social impact of Covid-19 are indicators of the need to act in different ways and bring in different activities in order to keep High Streets alive and relevant.
5. There must be a real possibility that the planned redevelopment of the Martlets Shopping Centre will be delayed further given that its key tenants are those most severely impacted by Covid-19 now and which will be the last out of lockdown. It must also be a real possibility that it will not proceed at all. We should at least consider that possibility.
6. Owners of shopping estates are starting to “re-imagine” high streets. They are making them less reliant on a struggling retail sector and are bringing in a combination of retail, business, hospitality, residential and other service provision. If NRR are unable to bring its project forward at all or within a reasonable time frame (say within the next 3 years) then BHTC should engage in the “re-imagination”.
7. Members will recall that the budget we set for FY2020/21 a sum of £40k was allocated towards a potential retail project called **Trading Spaces**. This was an evolution from the idea of creating an indoor market.
8. **Trading Spaces** is a mechanism for the Town Council to intervene in the retail property sector and provide adaptable unit space to independent businesses. These may be existing businesses seeking to downsize/expand, new start-ups, pop-ups or community enterprises and voluntary groups.
9. We will be bringing retail square footage back into use in a variety forms and making a valuable contribution to Bridge the Gap but also to the long-term future of the town centre.

10. By taking units in Burgess Hill the Town Council may be able to break them down into smaller units to allow an independent to gain a foothold because there is cost sharing which reduces fixed overheads. Of course, this would not preclude the Town Council from letting space to a single tenant if there was a compelling reason to do it.
11. There are examples across the country where councils have supported start-up enterprises or acquired retail property to support the sector and/or regenerate a shopping district (e.g. Stockton BC, various London Boroughs) and many villages run community shops (e.g. Sayers Common Community Shop).
12. **Trading Spaces** is a practical way for the Town Council to make a difference. Its aims are:
 - to bring retail space back into use;
 - help to support and increase footfall in the town centre;
 - give local entrepreneurs an opportunity to develop their businesses in a supportive environment;
 - build a shopping sector in the town which is a market differentiator (e.g. more independent, focus on sustainability and ethical trading, encourages community enterprise partnerships, keeps money in the town); and
 - make a positive contribution to the town's economy.
13. The £40k allocated in the budget is not intended to be used as straight subsidy. The intention behind **Trading Spaces** is that the sub-tenants will pay a social rent to the Town Council so that the £40k budget is replenished from rental income (though using a portion of it for the making of grants or loans may also be something the Town Council would want to consider).
14. The sub-tenants may take a longer term licence or sub-tenancy, flexible licences or book space by the day or week and a scale of rent charges will need to be developed to accommodate the mix of letting opportunities the Town Council makes available.
15. The intention would be to make as much use of any rentable space so that in addition to daytime use as smaller retail or community units it could contribute to the evening economy by being used by street food sellers and events.
16. If a potential sub-tenant was interested in taking a full unit this could also be considered. If that happened the Town Council could extend **Trading Spaces** into further unit opportunities as these arose and use the **Trading Spaces** concept as a brand.

17. This project contains risk and, without careful planning could consume officer time and resource.
18. As regards risk the Town Council can mitigate risk by the terms of any tenancy it takes and by evaluating any potential sub-tenant's proposal with care. Establishing a waiting list of potential sub-tenants will help by ensuring there is surplus demand for the space available.
19. The Town Council will need to develop investment criteria where a sub-tenant is proposing to take a long-term sub-lease or licence. The criteria will need to show that the sub-tenant has a developed business and marketing plan. From a financial perspective the Town Council would need to be a junior partner in any long term relationship.
20. As regards officer resource the intention would be to outsource as much of the operation of a **Trading Spaces** unit to the sub-tenants themselves which would be more in line with commercial property practice.
21. The lower end of Church Walk and The Martlets both of which are particularly challenged parts of the retail estate could be the main an important area of focus for **Trading Spaces** bringing footfall to a part of the town that needs reviving but, in addition, the Town Council could use its contacts and power to help restore some retail vitality to the Martlets Shopping Centre where the new centre manager (Nadine King – a Burgess Hill resident) is keen to be involved.
22. Rental terms are likely to be more attractive in the current climate in these areas.
23. Without being prescriptive about the type of sub-tenant, it is worth noting that the town does not have an independent greengrocer or baker but there will be other providers of goods and services who might find it commercially attractive to start business in smaller space in order to save money and develop their market. It is not intended that **Trading Spaces** will be an 'Emporium' (along the lines of Mercantile Adventurers or Mabel's Emporium). But the Town Council ought to be alive to opportunities that may arise.

Recommendation

- 1 Members are invited to consider this report and make observations and recommendations in respect of developing the **Trading Spaces** project.
- 2 Form a small working party with officer support to further develop **Trading Spaces** as a concept and to identify opportunities for consideration by the Council.

10. COVID-19: EFFECT ON CLUBS

The Council has been made aware that while the District Council has made grants available to inter alia some sports clubs to assist with maintenance, they have not granted a rent holiday. The effect of this on for instance the Football club is that half of the grant given is returned in the form of rent. The clubs usually make money from letting their premises for functions from running a bar. This source of income is no longer possible.

It is clear that Covid-19 lockdown provisions could have a detrimental effect on not just charitable groups but other groups such as the football club in the town. It is suggested that the decision taken at the Council meeting "That the Town Councillors identify community groups in the town, and each be allocated groups to check in with. They should check if they have any needs now, or will do in the future, and how the Town Council could support them" be expanded to include sports clubs and any other organisation which may be affected.

For consideration.

11. APPOINTMENT OF CHAIRMAN OF CULTURAL QUARTER STEERING COMMITTEE.

Cllr Eggleston has stepped down from the chairmanship of this committee. The Group is asked to nominate a new chairman.

Recommended:

That the Group nominate a chairman for the Cultural Quarter Steering Committee

12. CONSULTATION ON THE BEEHIVE

Public consultation on the future of the Beehive including funding options was due to begin in May, however Covid-19 has changed the landscape drastically and will need to be reconsidered.

For consideration