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COUNCIL

Minutes of a virtual Extraordinary Council meeting held at 6.00pm on Wednesday 25th November 2020.

Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

PRESENT

Councillor Andrew Shirley - In the Chair

Councillors: Jacqueline Allison, Jason Atkin, Richard Bright, Matthew Buckler, Sue Bull, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Paul Cruise, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Steve Flitter, Helen Froggatt, Chris Furness, Clare Gamble, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Michele Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Lewis Rose OBE, Mark Salt, Peter Slack, Andrew Statham, Alasdair Sutton, Colin Swindell, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), James McLaughlin (Director of Corporate and Customer Services), Steve Capes (Director of Regeneration and Policy), Giles Dann (Economic Development Manager), Karen Henriksen (Director of Resources) and Simon Johnson (Democratic Services Officer).

Mr Chris Thomas (Director – Thomas Lister Ltd)

The meeting was recorded and broadcast live on YouTube.

APOLOGIES

Apologies for absence were received from Councillors: Robert Archer, Elisa McDonagh and Claire Raw.

160/20 - PUBLIC PARTICIPTION

In line with the Council's current procedure for direct public participation, the following statements and question were submitted in writing and were read out at the virtual meeting:

STATEMENT from Tony Symes, Acting Chair of Matlock Community Vision (MCV), on Land at Bakewell Road, Matlock: Proposed conversion of Matlock Market Hall.

“On behalf of Matlock Community Vision I am submitting the following statement for consideration by the Committee in respect of ` Land at Bakewell Road, Matlock: Proposed Conversion of Matlock Market Hall`.

Matlock Community Vision (MCV), who have been actively pursuing development of the Bakewell Road site for over 6 years, welcomes this investment and welcomes the cinema. However there are several issues, which are not fully resolved, and MCV are keen to collaborate with DDDC in resolving them in the preparation of the detailed scheme for the planning application.”

QUESTION and STATEMENT from Emily Currell, on behalf of Church in the Peak, on Land at Bakewell Road, Matlock: Proposed conversion of Matlock Market Hall.

“I see that you have up to £800,820 plus a contingency of £48,000 for leisure facilities.

Is there any room in your budget to ensure that one of the designated areas of this development could be used as a communal area, for young people in the town, in order to keep them off the streets?

As page 1 and 2 of your Matlock Town Centre Supplementary Planning Document (November 2008) clearly states that your vision is to “To build on Matlock’s unique character and create opportunities for sustainable investment to ensure the attractiveness, vitality and future prosperity of the town centre for residents and visitors alike.” and “To further develop the potential of Matlock as a sustainable community including provision for affordable housing and social and cultural activities.”

I strongly feel that this would greatly benefits our community, as it would ensure our young people are safe and feel welcome in a place that can cater for their needs.”

RESPONSE

Thank you Emily and Church in the Peak for your question. Unfortunately, the lack of external funding available means the proposed budget for the scheme is limited to the development described in the report. Future community uses will require separate community fundraising efforts. The proposed cinema will hopefully attract people of all ages, catering for young people as well as older people. To note, the skate park and MUGA in Hall Leys Park are designed specifically for young people.

161/20 - INTERESTS

Councillor Martin Burfoot declared a personal interest in the matter under discussion, as a member of the Matlock Community Vision (MVC) group and formerly the Bakewell Road Group.

Councillor Sue Burfoot declared a personal interest in the matter under discussion, as a member of the Matlock Community Vision (MCV) group.

162/20 - LAND AT BAKEWELL ROAD, MATLOCK: PROPOSED CONVERSION OF MATLOCK MARKET HALL

The Council considered a business case for the proposed conversion of Matlock Market Hall to enable provision of a new indoor leisure attraction and enclosure of part of the adjacent

covered bus bay area, to provide ancillary commercial use to support regeneration of the Town Centre.

The District Council owns the freehold interest in land at Bakewell Road, Matlock and occupies the Market Hall building and covered bus bay area by way of a 99 year under-lease dated 17th May 1986. The head lease is held by London Metric who sublet the neighbouring property to M&S and Boyes.

The Bakewell Road site has previously been identified as a Key Development Opportunity. The District Council and Matlock Community Vision (MCV) (CIC working with the Council over several years to bring forward 'bottom up' development proposals for the site) have identified development of the site – a long recognised constraint to town centre renewal – as a catalyst for wider improvements and key to driving up footfall.

Previous reports to Community & Environment Committee (reports of 15 November 2018, 21 February 2019, 26 June 2019 and 21 August 2019 refer) and to the Commercial Board (3 October 2019 and 28 November 2019) detail the work undertaken to consider options and bring forward alternative uses on the site. The proposed redevelopment of the site was included in the District Council's Economic Plan approved in November 2019 and Corporate Plan approved in March 2020, and Capital Programme funding requirement included in the Derbyshire Dales COVID-19 Economic Recovery Plan approved on 9 November 2020.

Thomas Lister Ltd. were appointed by the District Council to prepare preliminary proposals for the potential re-use of the building (with the support of sub consultants) which included: a cinema; retail / food & beverage unit; two smaller retail / workspace units; and community space. As part of this work, soft market testing was undertaken which identified interest from both cinema operators for a new two screen cinema as well as a retail unit - food & beverage use - on the Bakewell Road frontage, on the basis that a cinema was secured as an anchor tenant for the proposed development. Proposals were shared with key project stakeholders including: London Metric; M&S; Boyes (no response received); Derbyshire County Council (Local Bus Team); MCV Steering Group and the remaining Market Hall stallholder, plus the Council's Estates, Legal and Planning teams.

Three outline Expressions of Interest were received in respect of the Market Hall. An assessment of the Expressions of Interest was undertaken by representatives of the District Council, MCV and Thomas Lister Ltd. Based upon the assessment, the District Council invited the preferred operator to provide a detailed Stage 2 submission in respect of the property.

Based on the detailed submission received, a Full Business Case in relation to the property has been prepared by the District Council's retained Commercial Advisor Thomas Lister Ltd. (with the Economic Case prepared by AMION Consulting) and District Council officers. The Business Case sets out the Strategic, Commercial, Economic, Financial and Management Case for the proposed scheme. The Full Business Case, which includes commercially sensitive information, is included as an exempt appendix to this report.

The proposed scheme comprises conversion of the unattractive, underutilised Market Hall to enable provision of a new indoor leisure attraction for Matlock – two screen cinema – and enclosure of part of the covered bus bay area to provide an ancillary commercial use – retail / food & beverage unit – to support project viability.

There followed a 10 minute adjournment at 7:30pm, returning at 7:40pm.

Council returned to continue consideration of the recommendations.

163/20 - EXCLUSION OF PUBLIC AND PRESS

It was moved by Councillor Garry Purdy, seconded by Councillor Mark Wakeman and

RESOLVED
(unanimously)

At 8:00pm, that members of the public be temporarily excluded from the meeting, for Council to consider exempt information relating to the business case for the proposed conversion of Matlock Market Hall.

(The information is exempt under the Local Government Act 1972, Schedule 12A paragraph 3 – Information relating to the financial or business affairs of any particular person.)

Council returned to public forum at 8:09pm.

It was moved by Councillor Garry Purdy, seconded by Councillor Susan Hobson and

RESOLVED

1. The outcome of the September 2020 funding bid submitted under D2N2's Project Call for Future Funding Programmes is noted.
2. The outcome of further stakeholder consultations and external professional advice received in relation to the scheme is noted.
3. The project scope, costs, benefits, risks, delivery approach and forward programme detailed within the Business Case are noted – **included in an exempt appendix as contains commercially sensitive information.**
4. The Business Case for the scheme, proposing District Council investment of up to £800,820 to enable conversion of Matlock Market Hall into a two screen cinema and enclosure of part of the covered bus bay area - retaining two of the existing bus bays - to create a new retail / food & beverage unit be approved and the scheme be included in the Council's 2021/22 Capital Programme with a contingency of £48,000 included within the approved Economic Development Reserve.
5. The Council opts to tax the site area in Recommendation 4 comprising the proposed first phase of development.
6. Plans are actively pursued with Derbyshire County Council to enable implementation of a new 3m wide footway, bus shelters and layby provision along the western elevation of the building to improve provision for bus passengers as a second phase of works, subject to proposals being fully funded by the County Council and the scheme avoiding sterilising any part of the development site not brought forward in the initial development phase.
7. Subject to implementation of new bus infrastructure provision within the site by the County Council (resulting in the remaining bus bays becoming redundant):

- i. in the short term, the remaining bus bays and Market Hall service bay area be utilised for deliveries and staff parking for the new development
 - ii. in the longer term the space identified in 7i) be safeguarded for future community use as a potential phase 3 development with fundraising to be undertaken by Matlock Community Vision (or another local community organisation) to meet necessary development costs and a viable business plan be prepared to support operational costs;
 - iii. the District Council continues to work with Matlock Community Vision to help facilitate community uses as a potential phase 3 development, with arrangements and terms for the future use and operation of this part of the site to be agreed at a future date.
 - iv. should further development not come forward within a period of five years following completion of the cinema, the District Council will review the future use of this space with Matlock Community Vision.
8. A variation to Contract Standing Orders is agreed enabling the Council to enter into agreement with the proposed developer / operator on the basis of the construction and project management arrangements proposed following due diligence checks.
 9. The position following consultations with the remaining Market Hall licensee is noted and incentive - **as detailed in the exempt appendix to the report** - agreed as payment to vacate the property under a new agreement by way of a rent free period / sum to support the relocation of the business.
 10. Authority is delegated to the Director of Regeneration & Policy to issue Heads of Terms for a Development Funding Agreement comprising a grant agreement to enable the cinema development and contract for construction works for the retail / food & beverage unit; and Agreement to Lease and Lease for the cinema to the proposed developer / operator.
 11. Authority is given to enter into formal Agreement subject to securing planning approval for the development proposed and vacant possession of the Market Hall.

Voting:

In accordance with **Rule of Procedure 19d**, a recorded vote was requested and proposed by Councillor Sue Burfoot, seconded by Councillor Steve Flitter and

For

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Councillors: Jacqueline Allison, Jason Atkin, Richard Bright, Sue Bull, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Paul Cruise, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Steve Flitter, Helen Froggatt, Chris Furness, Clare Gamble, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Michele Morley, Garry Purdy, Lewis Rose OBE, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Alasdair Sutton, Colin Swindell, Steve Wain and Mark Wakeman.

Against 1
Councillors: Joyce Pawley.

Abstentions 3
Councillors: Matthew Buckler, Peter O'Brien and Mike Ratcliffe.

The Chairman declared the motion CARRIED

164/20 – SEALING OF DOCUMENTS

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Michelle Morley and

RESOLVED That the common seal of the Council be affixed to those documents,
(unanimously) if any, required to complete transactions undertaken by Committees
or by way of delegated authority to officers since the last meeting of
the Council.

MEETING CLOSED 8.15PM

CHAIRMAN