

Name of meeting: Cabinet
Date: 16 March 2021

Title of report: Dewsbury Market

Purpose of report: To seek Cabinet approval to the Dewsbury Market project, including approval of capital funds, proposals for decanting traders while the works are carried out; public consultation on the detailed plans for the new market and other actions necessary to implement the project.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Expenditure greater than £250,000
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	David Shepherd - 4th March 2021
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 25th Feb 2021
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 3rd March 2021
Cabinet member <u>portfolio</u>	Cllr Peter McBride – Regeneration

Electoral wards affected:

Dewsbury East

Ward councillors consulted:

Cllr Scott, Cllr Firth, Cllr Lukic

Public or private: Public.

Has GDPR been considered?

GDPR has been considered.

1. Summary

- 1.1 Dewsbury Market is the economic heart of Dewsbury town centre. As well as being an important source of employment and provider of services to the local population; the Market is critical to the vibrancy of the town centre as a whole. Whilst Dewsbury Market remains a large and popular market, it has been in decline for a number of years, particularly since the recession of 2008/10. This has manifested itself in decreasing footfall and rising vacancy rates. The financial performance of the Market has similarly been affected.
- 1.2 If the fortunes of the Market and the town centre are to be turned around then investment is needed to improve the Market offer and to make it more attractive to customers. The importance of the Market has been recognised by the Dewsbury Town Deal Board support; including a bid for £6.6m of Towns Fund grant within the Dewsbury Town Investment Plan.
- 1.3 This report is presented to Cabinet for three primary reasons; as set out below:
 - a. To inform Cabinet of the proposals to transform Dewsbury Market; by carrying out substantial capital works to the Market and improving the quality and range of products and services on offer
 - b. To seek approval of the project and specifically approve use of capital funds to enable the scheme to be implemented
 - c. To seek approval to the proposals to relocate the market while construction takes place and for the revenue resources necessary to implement the decant.

2. Information required to take a decision

Background

- 2.1 Dewsbury Market is located within the heart of Dewsbury Town Centre, it is a major draw for the town and is one of its unique assets. Footfall and activity is significantly higher on market days compared to non-market days. Having a vibrant market is critical to the health of the town centre as a whole.
- 2.2 The Market site and boundary is shown in Appendix One. The site covers c8,300 m² and currently accommodates just under 400 stalls/units. These are split across three distinct areas, the Market Hall, the semi-covered Market and the open market. Stalls are held on leases or offered on daily licences. Vacancy rates are now effectively over 40% and realistically it is very unlikely that the Market will need the existing number of stalls in the future. The Market has a high level of representation in some lines e.g. clothes/cloth and little or no coverage in others. The range and quality of goods and services on offer needs to be improved if more customers are to be attracted to the market, spend longer there and therefore spend more money. The physical nature of the market needs to be upgraded to provide a better environment for customers, to provide enhanced facilities to display goods and greater flexibility in use of the space to allow events and more opportunities for food and beverages.
- 2.3 Feasibility work, consultation and market research has been undertaken in order to develop the project proposals and a Market vision. The feasibility study examined the existing nature and potential of the market, its social and economic context and lessons that could be learned from other UK markets. It concluded that with the right

investment there could be a bright future for Dewsbury Market. From this work and discussions with key stakeholders, a vision was produced.

The Market Vision

2.4 The Market vision is:-

“Kirklees Markets are family friendly, safe, social spaces which offer unique, personal, ethical shopping experiences alongside opportunities to test ideas, eat, learn and be entertained”.

For Dewsbury Market this will mean :-

- Develop an offer which appeals to a younger demographic and celebrates the cultural diversity of the surrounding communities
- Reduce the physical size of the Market
- Increase the food offer
- Enable an evening economy to develop
- A mix of cafes, street food, goods, dry goods and entertainment space

2.5 The public's views on the vision were tested by the market research carried out in autumn 2020 and this provided strong support for the vision and the type of interventions proposed. The vision provides the overall context for the changes that are proposed.

2.6 In parallel to the above the Council has renegotiated all the market traders' leases. The new temporary leases include a rent reduction and are outside the Landlord and Tenants Act 1954. The new temporary leases give the Council greater control over moving tenants and ending leases, where desired, which will be critical to the effective delivery of the project. In addition, in November 2020, The Council appointed BDP Architects to undertake the early stage design for the project; with the option to be appointed for detail design once appropriate Cabinet approval had been given for the project.

Proposals

2.7 The Market will undergo a 'root and branch' improvement, including a complete overhaul of the physical fabric and services, changes to product offer, introduction of leisure uses and improvements in operational practices. The project will see the transformation of the current 400 stall market into a new consolidated market of approximately 200 stalls that will be transformed into a flexible space for both shopping and leisure. The project will create a modern and vibrant market that is multi-functional and can respond to the changing requirements of customers and the catchment.

2.8 The project will see the removal of all the current stalls and introduction of new ones across the whole of the market. It will involve the complete refurbishment of the historic Market Hall and provision of high quality stalls focussed on food sales. Within the semi covered market there will be new stalls with an emphasis on food and drink and the creation of a flexible space suitable as a 'food court' and for events.

2.9 All of the open market stalls will be cleared and new stalls and layout created. Across the whole Market the overall quality of offer will be improved and the range widened

to fill current gaps in provision and with more food, drink and leisure opportunities offered. The rationalisation of the market will release some land for alternative uses at the northern end of the Market. The precise size and boundary of this surplus land will be established as part of the detailed design and consideration is currently being given to the options for this land.

2.10 The investment will halt the decline of the Market and build a sustainable future for the Market, bringing with it a positive impact on the town as a whole and an increase in footfall.

Temporary Market/Decant

2.11 It is important that the Market continues to trade effectively while the changes to the Market are being carried out. A temporary closure of the Market lasting over a year, would cause significant harm to the Market, its traders and the town centre; both in the short and longer term. A temporary closure of the Market to enable works to take place has therefore been ruled out as an option and the focus has been on the options to decant traders.

2.12 The overall objectives for the decant are as follows:-

- Continued and successful trading of the Market while construction takes place.
- To support town centre trading
- Facilitate the effective operation of the main construction contract (time and cost)
- Effective management of risk, particularly health & safety.

2.13 It is estimated that the works will take a minimum of 12 months from March 2022 and therefore any temporary arrangements will need to last at least a year. However it will not be possible for traders to remain in their current locations while the construction work is carried out and therefore a number of options have been considered, including:-

1. Decanting within the boundary of the existing Market Site – this would involve multiple decants over the period of the works contract
2. Relocation of all the Market off site to one site within or close to the ring road
3. Relocation 'on street' within the town centre

2.14 Experience of other market projects in the U.K. has shown that those Councils which have planned and adequately invested in temporary markets have benefited from the continuation of healthy trading. Those that have not, have damaged the markets in the process of trying to improve them and undermined the whole purpose of the investment.

2.15 Having considered the pros and cons of each option officers recommend option 3. This would involve the relocation of traders onto four interconnected streets/areas; Foundry Street (between Corporation Street & Market Place), Market Place, the western footpath of Longcauseway (in front of the Prince of Wales precinct) and the forecourt of the Town Hall. The latter potentially extends to half the width of Town Hall Way and would require a temporary Traffic Regulation Order. Appendix Two shows the area within which it is expected to temporarily locate the market. It is estimated that 50-60 large temporary 'units' will need to be provided with the balance

being 'pop up' stalls. Precise layout of stalls will be developed as the decant design progresses.

2.16 Option 3 is preferred as it keeps the Market within the core of the town centre, giving it the best opportunity to trade well; supporting town centre trade and minimising the disruption to traders and the construction programme. Moving traders off site will enable the construction works to be completed earlier than compared to decanting on site, which in turn will bring cost savings compared to contractors working amongst an active market. In addition having the active market separate from the construction site minimises issues related to health and safety and makes for a better customer experience. Of the options available it provides the best prospect for the continuing vibrancy of the Market & town centre while work is undertaken.

2.17 The amount of space available 'on street' in option 3 is less than the total space currently occupied by traders on the Market. There will therefore be a need to rationalise space and traders in order to accommodate traders in the new location. There may be the possibility to mitigate this issue by using some of the vacant shops on these streets for stallholders. Officers will explore this possibility with owners of the premises and if this proves to be cost effective will add this to the provision.

Timescales

2.18 The key milestones in the current programme are outlined in Table One below.

Table One: Dewsbury Market - Key Milestones & Actions	
Date	Milestone/ Activity
16 March 2021	Cabinet approval of project
April – June 2021	RIBA Stage 3 – outline designs
July 2021	Public Consultation on draft plans
August 2021	Submission of Planning Application for Market project
Aug – Nov 2021	RIBA Stage 4 – detail designs
Dec 2022	Towns Fund Detailed Approval
Nov – Jan 2022	Tendering
Jan/Feb 2022	Decant undertaken
March 2022	Construction commences
Summer 2023	Project complete – new market opens

2.19 The milestones above are provisional at this moment and will be subject to change as the detailed design is undertaken and the programme refined. The planning and implementation of a timely decant of traders in early 2022 will be a critical to meeting the overall programme. To achieve this the units will need to be put in place on the designated streets well in advance of Christmas 2021.

Risks

2.20 There are a number of key risks in delivering this project. Particular risks worth highlighting at this stage include:-

- Decant – impact on both short and medium term performance of the Market
- Funding – uncertainty over outcome of Towns Fund application

- Expenditure – expenditure on fees and decant set up will be in advance of having all capital funding in place.
- Impacts of Covid – long term impact on customer habits
- Programme – unanticipated events & delays
- Outcomes – project does not deliver the benefits anticipated

2.21 Officers will continue to review the project risk register as the scheme progresses, in order to ensure that all risks are identified and managed appropriately so that the project delivers the intended benefits, to budget and programme.

3. Implications for the Council

- **Working with People**

- 3.1 The Council held town centre public consultations on the Dewsbury Blueprint and workshops in the town centre during the early part of 2020. This included a town centre presence via a blueprint shop. The Market project formed part of the Blueprint and the responses received provided general support to the improvements to the town and the Market.
- 3.2 In autumn 2020 the Council undertook market research into the public's views on Dewsbury Market. Telephone interviews were carried out with over 1,000 people and this was followed up with 4 focus groups. The results of the research provided widespread support for the Market vision (89% of respondents agreed with the vision) and confidence that with the improvements proposed the Market could attract more people, for a longer amount of time.
- 3.3 The Dewsbury Town Deal Board commissioned research on the local peoples priorities. Of the projects put forward, 66% thought that the Market should be revitalised, the second highest scoring project, after the Arcade.
- 3.4 For the next stage of the project it is proposed to carry out consultation on the detailed plans for the new market with key stakeholders and the public. This will occur in summer 2021, prior to submission of a planning application for the project and will enable feedback from the consultation to be taken into account in the detailed designs.
- 3.5 There will also be consultation details of the decant. This will be limited to those directly effected by the proposals and as required by the requirements of the legislative powers used to implement the temporary market.

- **Working with Partners**

3.6 A Traders representative group has been established at Dewsbury Market and the Markets Service holds regular meetings with the group to update them on progress on the project and gather views on the vision and emerging proposals. This will continue through the development phase of the project. Dewsbury Town Deal Board will be part of the future consultations about the Market.

- **Place Based Working**

3.7 Developing the Market Vision has been a place based approach as it has considered the specific circumstances of Dewsbury and consulted with residents within a 5 mile

radius. The project is a key part of the Strategic Development Framework (2018), Dewsbury Blueprint and Dewsbury Town Investment Plan all of which contribute to place based working.

- **Climate Change and Air Quality**

3.8 The design of the Market, particularly the provision of services will have reduction of carbon emissions as an objective. In future greater emphasis will be placed upon improved ethical practices and reduced environmental impact at the Market e.g. less use of plastic bags. The greater use of the Market which is highly accessible to many local people will help to support sustainability objectives.

- **Improving outcomes for children**

3.9 The Market vision is to create a much more family friendly space with children's activities which will encourage families to spend time together.

- **Legal**

3.10 The Dewsbury Market is a statutory market under the Food Act 1984. There are two possible options to temporarily relocate the market. One option is to relocate the market as a statutory market temporarily onto surrounding streets /highway (as opposed to relocation onto council owned or controlled land entitling it to use the land for market purposes). The alternative option is for the Council to follow the procedures in section 3 and schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 to formally adopt a statutory licensing scheme for streets in which trading takes place to create licensed streets . This is being investigated by officers. This will require market traders to obtain licences or consents from the Council for time limited street trading during the refurbishment of the market.

3.11 It is likely that a Temporary Road Traffic Regulation Order will be required under section 14 of the Road Traffic Regulation Act 1984. In addition the Council will need to consider whether stalls and kiosks placed in the streets will require planning permission.

3.12 Procurement of consultancy and works contracts will be carried out in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015 ; and UK Subsidy rules .

3.13 In carrying out a public consultation, the council must comply with the "Gunning principles" namely :

- that consultation must be at a time when the proposals are still at a formative stage
- The council must provide sufficient information about the proposals to consultees to enable intelligent consideration and informed responses
- The product of the consideration of responses must be conscientiously taken into account in finalising any proposals.
- Before making a decision, section 149 Equality Act 2010 requires that the decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
 - (i) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and those do not share it. This involves having due regard, in particular, to the need to:
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic.
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

- **Financial**

3.14 The total estimated capital cost of the Dewsbury Market project is £15 Million and a cost breakdown is provided in Table Two below. This excludes the revenue cost of decanting traders which is dealt with separately below. The majority of the capital expenditure will occur in financial year 2022/23 when contractors are on site. The majority of fee expenditure (75%) will be incurred up to the letting of the contract in early 2022

Table Two: Dewsbury Market Budget Capital costs		
Item	£,000	Comments
Fees (non design)	100	Mkt Research, External advice
Surveys & Investigations	60	
Design Fees	1,670	External & Internal fees
Works	11,560	Assumes 60 week contract. Start Q1 2022; including landlord fit out and contingencies.
Decant (capital costs only)	810	Purchase of Containers
Complementary works	800	Improvements to pedestrian access to Market on adjacent streets. Work to 'opportunity area'. Provisional Sum.
Total	15,000	
Footnote: Excludes decant revenue costs, compensation payments.		

Capital Funding

3.15 Cabinet on 28th January 2021 agreed the new 4 year capital plan which included an allocation £8.326 Million for Dewsbury Market. The Council, on behalf of the Dewsbury Town Deal Board, submitted a Town Investment Plan (TIP) to Government at the end of January 2021. This requested a total of £25 Million funds from Government under the Towns Fund programme. The TIP included Dewsbury Market as a named project within the plan and a request for £6.6 Million of Towns Fund towards the capital costs of the Market project. The Government have indicated that they will give an in-principle decision on the TIP by the end of March 2021. If positive, the Council will then need to agree Heads of Terms with the Government. If the Heads of Terms for the TIP is successfully signed off in April 2021, then there is 12 months for the project business

case to be approved. The Market has been highlighted as a 'fast track' project which offers the possibility of being approved before the prior to the final sign off of the overall programme.

Temporary Market/Decant

- 3.16 Experience elsewhere has shown that Council's that have invested in good quality temporary market facilities have had the benefit of continued satisfactory trading and being able to move all the desired traders back into the improved permanent market. Furthermore, it is important that officers are able to proceed with plans for the decant as soon as possible; if the decant is not to hold up the delivery of the overall project. This will mean the initial set up costs for the decant will need to be expended prior to all the capital funding being in place. The same issue applies for all the advance design work.
- 3.17 The decant has an estimated gross cost of £2.3Million (exc VAT). The purchase of containers can be capitalised and this is accommodated in the capital costs outlined in Table 2 of this report. This will leave a balance of £1.5Million of revenue costs. Approximately half of these costs will be incurred in 2021/22 to establish the new temporary market with the balance being split over financial years 2022/23 and 2023/24. These revenue costs can be met from the strategic investment reserve.
- 3.18 The proposal to move the whole market off the existing site while the work take place on the main Market site has the benefit of shortening the length of the main works contract. This will, other things being equal, generate cost savings on the main contract. Authority is sought to delegate the decision on the details of the decant to the Strategic Director (Environment & Climate Change) who has operational responsibility for the Market.

Market Business Plan

- 3.19 A business plan has been drawn up for the operation of the Market once the new Market has been opened. Income will be heavily dependent upon the levels of occupancy achieved in the new Market, but in the initial settling in period the target is to achieve an operational surplus of not less than the last full year (2018/19) prior to the impact of Covid. Once the Market is fully operational and events programmes begin to properly established then it is hoped that financial performance in subsequent years will surpass that achieved in 2018/19.

- **Integrated Impact Assessment (IIA)**

- 3.20 An integrated Impact Assessment (IIA) is not required at this stage.

- **Climate Change Emergency**

- 3.21 The Councils policy on the Climate Change Emergency will be considered as part of the design process and will include both construction and operational phases of the project.

4. Consultees and their opinions

- 4.1 The Market is a prominent element of both the Dewsbury Blueprint and the Dewsbury Town TIP, The consultation for the TIP generated 502 responses and 66% agreed with the proposal to revitalise the Market, it being the second highest projects in the TIP, behind the Arcade. The responses from the Blueprint

consultations generated a high degree of support for the Blueprint programme; including the Market.

- 4.2 There is a trader representative group for Dewsbury Market and officers have consulted them at appropriate times on the project and they are supportive of the vision and the outline proposals. The relevant Kirklees Portfolio Holders and local Members have been consulted on progress on a regular basis and are supportive of the project. The market research and focus groups referred to earlier in the report provided significant support for the plans to transform the Market.

5. Next steps and timelines

- 5.1 If Cabinet approve the recommendations set out in this report then officers will appoint BDP to undertake the full design process (RIBA stages 3- 6); commence detailed planning for the decant and procure the goods and services necessary to implement the decant.
- 5.2 Following completion of the outline designs, a public consultation will be undertaken during the early summer on the plans for the Market project and once feedback has been taken into account a planning application will be submitted. Table One above has details of the key milestones.

6. Officer recommendations and reasons

- 6.1 Cabinet is asked to:

1. Approve the Dewsbury Market Project as described in this report

Reason: To enable the project to proceed.

2. Approve the allocation of the £8.4 million of capital resources to fund the project

Reason: To provide the funding to enable the project to proceed.

3. Subject to approval of Towns Fund grant for the project authorise the Strategic Director (Growth & Regeneration) to implement the project

Reason: To give the necessary authority to implement the project once all the capital funding is in place.

4. Approve the proposals for the temporary market outlined in the report and attached plans; and authorise the Strategic Director (Environment & Climate Change) to implement the scheme and in conjunction with the Service Director (Legal, Governance and Commissioning) to agree the preferred legal powers to use in this case namely, either the licensed street trading option or alternatively to establish a temporary statutory market and take all necessary steps and actions in accordance with the chosen legal powers and Kirklees's constitutional requirements to implement the proposal.

Reason: To enable the decant to be implemented without unnecessary delay.

5. Approve revenue resources of £1.5 Million for the provision of the temporary Market and agree that this is funded from the strategic investment reserve.

Reason: To provide the funding necessary to enable the decant to be implemented.

6. Note the intention to carry out public consultation during the summer 2021 on the detailed plans and proposals for the Dewsbury Market project

Reason: To ensure that the public and key stakeholders have the opportunity to comment on the detailed plans prior to their submission of the planning application.

7. Cabinet Portfolio Holder's recommendations

- 7.1 The Cabinet lead for Regeneration and Culture & Greener Kirklees have both been briefed on the report and are supportive of the proposals.

8. Contact officer

Peter Thompson – ER Project Manager

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9. Background Papers and History of Decisions

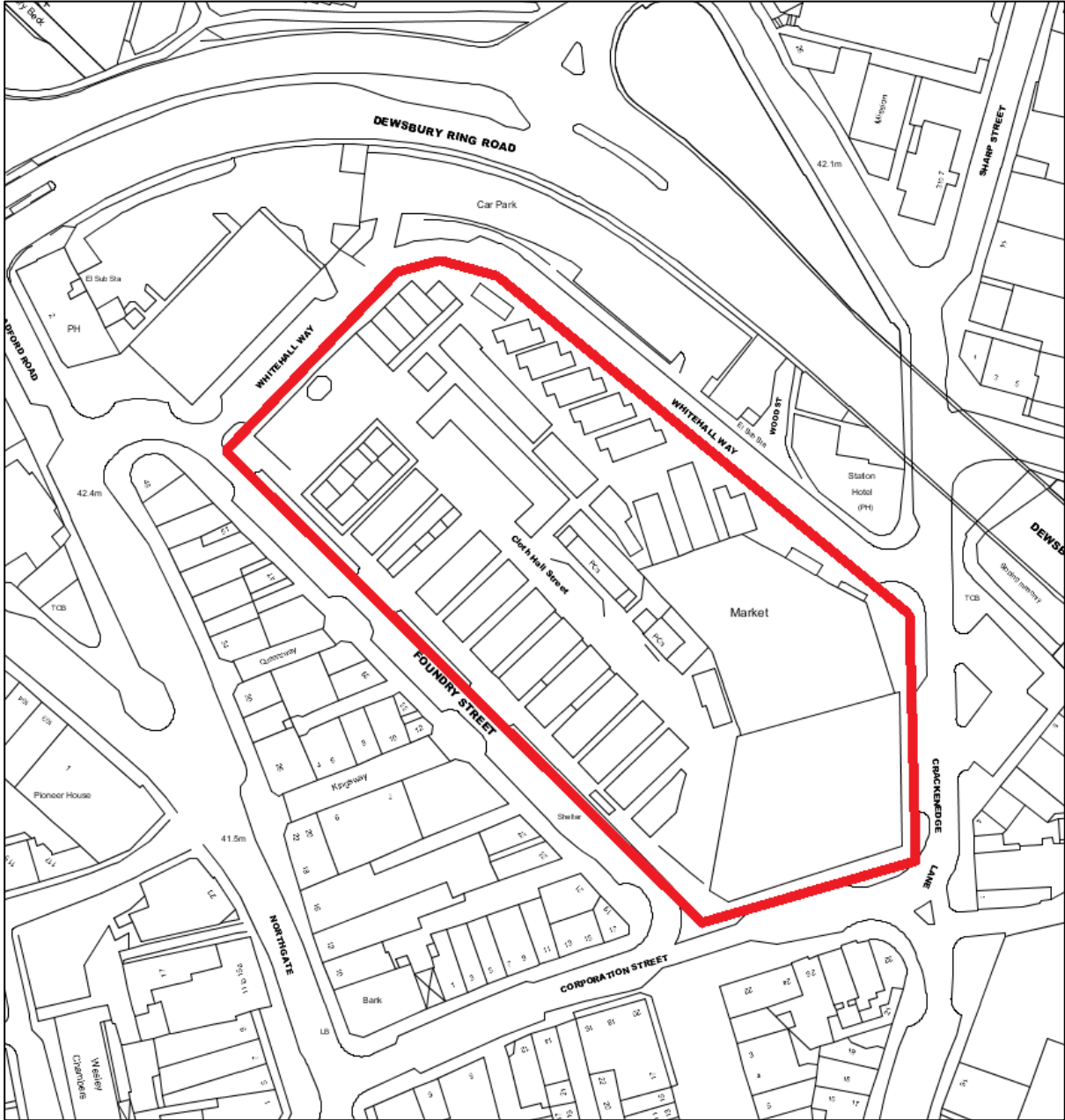
1. Strategic Development Framework 2018
2. Dewsbury Blueprint
3. Dewsbury Town Investment Plan
4. Cabinet 28th January 2021 – Council Budget Report 2021/22 & future years

10. Service Director responsible

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APPENDIX ONE: DEWSBURY MARKET - BOUNDARY



APPENDIX TWO: LOCATION OF THE PROPOSED TEMPORARY MARKET

