

Name of meeting: Cabinet
Date: 21st December 2022
Title of report :- The Arcade, Market Place Dewsbury

Purpose of report

To seek approval for; the funding package for the Arcade project, the submission of a grant application and acceptance of any grant offer from the Heritage Lottery Fund, a revised Heads of terms for the lease and the endorsement of the proposed arrangements for delivering 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
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	11 October 2022
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	David Shepherd 6 TH December 2022
Is it also signed off by the Service Director for Finance?	Eamonn Croston 7 th December 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft 15 th November 2022
Cabinet member portfolio	Cllr Eric Firth Town Centres Portfolio Holder & Cllr Graham Turner Regeneration Portfolio Holder

Electoral wards affected: Dewsbury East
Ward councillors consulted: None

Public report with Appendices. Appendix 3 is in Private.

(Have you considered GDPR?) Yes.

Appendix 3 is private in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 namely it contains information relating to the financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making.

1. Summary

- 1.1 The Arcade is a Grade 2 listed Victorian arcade in the centre of Dewsbury. Once a popular and thriving retail arcade, it has been closed and vacant since July 2016. Bringing the Arcade back to life is a key part of the Dewsbury Blueprint and the Town Deal Town Investment Plan which both seek to regenerate the town centre.
- 1.2 The Council purchased the Arcade in May 2020 and has completed initial 'stabilisation' works involving reducing water ingress, removal of dry rot and a 'soft strip'. The Council subsequently purchased the adjacent vacant building (18-20 Corporation Street /17 Foundry Street) to aid the regeneration of the Arcade.
- 1.3 The Arcade project will involve the repair, refurbishment and reconfiguration of the Arcade and the adjacent building to high heritage standard, allowing greater flexibility in the use of the space and improved financial sustainability in the future. Detailed planning and listed building consents were granted earlier this year for all the properties above.
- 1.4 In January 2022 Cabinet agreed that the Arcade Group, should be given the opportunity to manage the Arcade; approved the Heads of Terms for the lease to the Arcade Group and authorised officers to complete an agreement for lease and lease. One of the preconditions for the Agreement for Lease was that the Group became a Community Benefit Society. The Arcade Group was registered as a Community Benefit Society on 7th March 2022. As the project design has developed and Arcade Group have developed their business strategy, it has been identified that it would be advantageous if the proposed lease were extended to include the majority of 18-20 Corporation St/17 Foundry Street. This report seeks agreement to that extension.
- 1.5 By the end of 2021 a package of project funding totalling circa £4m had been secured. This is less than the anticipated total cost and as such a stage 1 application was made to the Heritage Lottery Fund for grant support. The Council received approval on 24th June 2022 for a Stage 1 Heritage Fund grant of £106,657 towards the project. This grant provides support for community engagement activity; production of documents required for a Stage 2 grant submission and puts the project on a pathway to potentially achieving a significant Stage 2 grant award.
- 1.6 Delivery of the project is dependent on the approval of the Stage 2 grant from the Heritage Lottery Fund and the programme for delivering the project is now, as a consequence, determined mainly by the grant approval process. Based on the timescales for going through the Heritage Fund Stage 2 grant assessment then, if approved, work should commence in late summer 2023, with completion in autumn 2024.
- 1.7 In order to ensure that the project delivery is expedited this report seeks Cabinet approval to give delegated approval to officers to submit and should the application be successful, accept an offer of grant from the Heritage Lottery Fund; agree an extension of the heads of terms to lease for the Arcade to the Arcade Group to include the upper floors of 18-20 Corporation Street and 17 Foundry Street; and to agree the additional funding required to support the HLF Stage 2 application. Additionally it highlights the proposal to go out to tender for the project in early 2023, prior to the HLF decision, in order to ensure that project delivery is expedited and funding requirements regarding timescales can be met.

2. Information required to take a decision

Property Details

- 2.1 The Arcade is a Grade 2 listed Victorian arcade in the centre of Dewsbury and lies within the Dewsbury Town Centre Conservation Area. It links Market Place to Corporation Street (see Appendix 1 & 2). All of the building is listed, it being one of the unique architectural elements of Dewsbury Town Centre. The building is in very poor condition. The adjacent building (18-20 Corporation St/17 Foundry Street) also forms part of the Arcade scheme and is Grade 2 listed in part. The Council owns the freehold to the Arcade and the adjacent building and as result of the recent relocation of a tenant from 25 Market Place (within the Arcade), now has vacant possession of all the properties.
- 2.2 The existing Arcade layout includes a number of small ground floor retail units, some of which have upper floor accommodation. There are four units with external frontage on either side of the two entrances, (23 & 25 Market Place, 14 & 16 Corporation Street). At either end of the Arcade the buildings extend to a further two floors. The property 18-20 Corporation Street/ 17 Foundry Street, is laid out over a combination of 3 and 2 stories respectively and has retail frontage to both Corporation and Foundry Street.
- 2.3 Overall the area of the Arcade project leased to the Arcade Group will provide 993m² (c10,690 ft²) of lettable space. Under the updated proposals the Council will retain two ground retail floor units at 18-20 Corporation Street/17 Foundry totalling 109m². The Arcade itself will have a minimum of 12 small ground floor units (8- 37m²) with 8 more first floor units suitable for artist studio/office space (11-21m²). There are 4 larger 'bookend' units facing Corporation Street/Market Place, all of which have ground floor space and three with additional linked space above. These 'bookends' range from 19 - 46m². There is a larger separate unit on the second floor (123m²) at the Corporation Street end of the Arcade and 18-20 Corporation Street/17 Foundry Street has a further 3 units on the upper floors.

Strategic Context

Dewsbury Blueprint

- 2.4 The Dewsbury Blueprint which was launched by the Council on 5th February 2020 and has a number of themes/objectives including:-
- Business Town
 - Learning town
 - Leisure Town
 - Shoppers Town
 - Heritage Town
 - Living Town
 - Greener town
 - Creative Town
 - Connected Town
- 2.5 The Arcade project will contribute to the themes around heritage, shopping, leisure business and creativity. The Blueprint includes the reopening of the Arcade as one of the key projects.

Town Deal

- 2.6 The Arcade is also one of the key projects within the Dewsbury Town Deal which was approved in principle by Government in June 2021. The Dewsbury Town Investment Plan details the projects to be supported by the Town Deal and approval of £1.31Million of Town Deal funding was received in March 2022.

Dewsbury Town Centre Strategic Development Framework 2018

- 2.7 The Blueprint draws heavily on the Dewsbury Town Centre Strategic Development Framework and the accompanying Delivery Programme that was approved by Cabinet on the 22nd January 2019. Its three strategic aims are to increase activity, make the town more attractive and improve accessibility. The Arcade project contributes strongly to two of these objectives.
- 2.8 If the town centre is to be comprehensively regenerated, then the Arcade needs to be brought back to life and a sustainable use or uses found to utilise the building. Due to its historic and enclosed character it provides a great opportunity for the town centre to offer something unique, a destination for leisure/retail and other uses that are not available elsewhere in the area.

Heritage Action Zone

- 2.9 The Dewsbury Town Centre Conservation Area (DTCAA) was awarded Heritage Action Zone (HAZ) status in December 2017. The award of HAZ status was partly a reflection of the fact that Historic England regard the DTCCA as 'being at risk' as a result of the high number of historic buildings that are vacant and underused and therefore at risk of further deterioration. The aim of the HAZ is to help drive the Council's ambitions for the regeneration of the town centre by halting and reversing the decline of heritage assets. The Arcade is one of a number of key heritage buildings in the town that are vacant and require action to get it back into active use.

Kirklees Economic Strategy 2019-2025

- 2.10 One of the 5 priorities of the Kirklees Economic Strategy is 'Revitalised Centres' and one of the 12 action programmes relates to North Kirklees and Dewsbury; with one of the 5 big wins being revitalising Huddersfield and Dewsbury town centres.

Council Plan

- 2.11 The Council's approach to Council Plan 2021/3 is focussed on three themes:-

- People – we work with people, we don't do things to them
- Partners – we work with and alongside our partners
- Place based working – we recognise the unique identities of our local places, their strengths and aspirations. We know that one size doesn't fit all.

- 2.12 The approach to managing the Arcade supports these themes.

The Project

- 2.13 The project seeks to create a new vibrant destination in the heart of the town centre. The physical works will fully refurbish the Arcade, enhancing its historic character , enabling public access once more through the Arcade thoroughfare and improving the Arcade in a way that maximises the chances of it being physically and financially sustainable in the medium and long term. There is a degree of flexibility over the types

of uses that will be in the Arcade (subject to planning and any agreed terms of occupation) and these will reflect a number of factors, not least:-

- The contribution these uses and activities make to the wider regeneration of the town centre and what will they add to the town's offer
- their acceptability in planning terms
- commercial reality
- the contribution to financial sustainability of the Arcade over the medium to long term

2.14 A reopened and successful Arcade will be an important component of a successful town centre and similarly having a more vibrant town centre will help the performance of the Arcade.

2.15 A key aim of the proposed works is to achieve as much flexibility as possible in how the units can be configured for letting so that it is financially sustainable. Key design criteria for the project are:-

- **Commerciality** – creating unit layouts/sizes and general attributes that make the Arcade attractive to occupiers & customers
- **Flexibility** – units can be combined/split and accessed as flexibly as possible
- **Heritage** - Celebrating the heritage of the building
- **Accessibility** - Improved accessibility to all floors/units wherever reasonably possible
- **Building Management** – a building that its easy and cost effective to manage; particularly the roof areas and is secure
- **Sustainability** – helping meet the climate change agenda

2.16 The works will restore and highlight the buildings heritage, while introducing new up to date services. The layout will for the most part remain unchanged with the most significant change being in terms of access and the creation of a new shared stair/lift core that will serve the first floor of 16, Corporation Street and the large second floor that stretches across the Corporation Street frontage plus provide independent access to the upper floors of 18-20 Corporation Street/17 Foundry Street. Additionally to maximise usable floorspace, a number of staircases linking the individual small ground units to an upper floor space will be removed and more lettable space created on the ground floor and studios on the first floor.

Planning

2.17 Detailed planning and Listed Building Consents approvals were obtained for the Arcade on 4 March 2022 and for 18-20 Corporation Street/17 Foundry Street on the 10th June 2022. It provides for flexible uses within the building such as retail, leisure and office use (use classes E,A,C,D,G(I)). There will be a need for an amendment to the Arcade approval to reflect that the new stair and lift core is now located in 18-20 Corporation Street/17 Foundry Street rather than 16 Corporation Street.

Lease & Management

The Lease/Management Proposal

2.18 Cabinet agreed in January 2022 that the Council should grant a full repairing and insuring lease to the company or other legal entity incorporated by the Arcade Group. On 7 March 2022 "The Arcade Group Dewsbury Ltd" was formally registered (Reg No. 8816) as a Community Benefit Society (CBS) regulated by the Financial Conduct

Authority. By implication it is the intention therefore that the Council retain freehold ownership of both properties.

- 2.19 Cabinet approval is now sought to vary the Heads of Terms (private Appendix 3) to include the upper floors of the buildings 18-20 Corporation St/17 Foundry Street and part of the ground floor to be used for circulation space. The benefits of this are two fold (1) It will provide the Arcade Group with better control of the parts of the building related to the Arcade and an opportunity to generate additional income to assist with financial sustainability. (2) It will enable the Council to derive some income from the space that may otherwise may be hard to let if separately managed by the Council. The two ground floor units to be created at 18-20 Corporation St/17 Foundry Street would be retained by the Council for commercial letting.
- 2.20 Prior to entering into the agreement to lease the Council will require the Arcade Group to provide the Council with a detailed business plan which satisfactorily outlines how they will manage the Arcade and achieve the aims and objectives of the Arcade project. Once the agreement to lease has been entered into then in order for the lease to be granted and given that the Arcade Group Dewsbury Ltd are now a registered as a CBS then the remaining key conditions are :-
- The Council completes the physical works for the Arcade project
 - The Arcade Group complete a successful share issue (minimum of £25,000 raised from 'community investors') or raises capital through other appropriate means (reflecting the not for profit ethos) in respect of the CBS.
 - The Arcade Group achieves 50% pre lets
- 2.21 Council officers will continue to provide limited officer support to the Arcade Group, where needed, through the set up period of the organisation and launch of the Arcade.

3. Implications for the Council

Working with People

- 3.1 The Dewsbury Blueprint was subject to public consultation in February 2020, which highlighted the importance that local people placed on bringing empty buildings, and the Arcade in particular, back into use. The Blueprint draws heavily from the Strategic Development Framework approved by Cabinet on the 22nd January 2019 which in turn draws upon the earlier Strategic Development Framework produced in 2010. This was a result of extensive public engagement and highlighted the importance local people place on having an attractive and vibrant town centre.

Working with Partners

- 3.2 As part of the plans to reopen the Arcade the Council will work with potential partners to develop the most appropriate and deliverable plans to bring the Arcade back to life for sustainable uses. The Arcade Group are a consortium of local business people and investors and as part of their proposed share issue will involve more people in the long term sustainability of the Arcade.

Place Based Working

- 3.3 The Dewsbury Blueprint is based on the idea of working with local people and businesses to improve the town centre and this has been taken forward in the Dewsbury Town Investment Plan. The Strategic Development Framework approved by Cabinet on the 22nd January 2019 draws upon the earlier Strategic Development

Framework produced in 2010. This was also a result of extensive public engagement and highlighted the importance local people place on having an attractive and vibrant town centre. The consultation carried out by the consultants 'Social' for the Dewsbury Town Deal in late 2020 provides further support to these conclusions.

Climate Change and Air Quality

- 3.4 The repair, refurbishment and reopening of the Arcade will contribute to town centre regeneration and conservation of the town's heritage. By improving the leisure and retail offer of the town centre it will provide greater opportunity for linked trips to the town centre, potentially reducing the number of journeys and production of carbon.

Improving outcomes for children

- 3.4 The aim is to for the Arcade to be family friendly.

Public Sector Equalities Duty

- 3.5 The council must have regard to its public sector equality duty under section 149 of the Equality Act 2010. As a condition of Town Deal funding the Government requires that an equalities assessment is undertaken for each project supported by the fund. An integrated impact assessment has been completed for the Arcade project (Appendix 4) and this considers impacts on those groups of 'protected characteristics'. Overall the project, has on balance, a positive impact.

Financial Implications for people living in Kirklees

- 3.6 The project has no direct financial implications for people living in Kirklees.

Legal

- 3.7 External legal advice has been sought from Ward Hadaway LLP regarding potential for public subsidy in relation to this project; in accordance with the provisions of the EU-UK Trade and Co-operation Agreement (TCA)) and Subsidy Control Act 2022 .
- 3.8 The advice has been sought on any subsidy implications of leasing the Arcade to the Arcade Group under the proposed terms and also the equity investment approved by Cabinet in January 2022. The conclusion of the advice was that there was no evidence to suggest that the lease terms are below open market value and therefore no subsidy exists in respect of the lease. The council's £25,000 equity stake in shares (approved by Cabinet January 2022) is permitted subsidy as Minimum Financial Assistance (MFA) under the Subsidy Control Act 2022 which comes into force on 4th January 2023. The Council would expect The Dewsbury Arcade Group to sign a MFA declaration under the Subsidy Control Act 2022.
- 3.9 The Council's power to grant a lease is contained section 123 of the Local Government Act 1972 and the disposal must be the best consideration reasonably obtainable unless the total undervalue does not exceed £2Millionn and the disposal at less that best consideration is considered by the local authority to secure the promotion or improvement of the economic, social or environment well-being of its area. The legal power to take shares in The Arcade Group Dewsbury Ltd is section 1 Localism Act 2011.
- 3.10 The Council must Comply with its Financial Procedure rules when applying for and accepting grant funding. The council will award any works /services contracts in

accordance with its Contact Procedure Rules; the Public Contracts Regulations 2015 and the emerging Procurement Bill as required.

Finance

- 3.11 The latest estimated capital costs and funding position is outlined in Table One below. Since the January report a pre tender estimate has been produced and this provides greater cost certainty than the earlier estimates. Following a review of the pre tender estimate, cost savings have been identified and this has reduced the estimated construction cost to £5.832m.

Table One: Arcade Project - Cost Estimate & Current Funding		
Element	£,000	Comments
1. Budget Estimate		
Surveys	177	Majority of surveys completed.
Purchase & assoc. fees	1,242	Arcade & adjacent building. Completed
Enabling works	109	Completed.
Construction costs (pre tender estimate)	5,832	Inc prelims, profit, inflation, contingency of 7.5%
Design Fees	1,237	BDP & internal - Part incurred
Other Fees	328	
HLF Development work	34	Stage 1. Items not included elsewhere. .
HLF Activity Stage 2 App	76	Inc Evaluation
Sub Total	9,035	
2. Funding		
A: Approved		
Kirklees Council	2,063	Approved February 2020 & Nov 2021
Getting Building Grant	600	Approved
Town Fund (Capital)	1,310	Approved
Heritage Lottery Fund	106	Stage 1
Sub Total	4,079	
3.Funding Required	4,956	£9.035m minus £4.079m
4. Funding to be approved		
Heritage Lottery Fund	4,456	Stage 1 approved June 2022, Stage 2 to be submitted in February 2023. Current estimate.
Kirklees Council	500	Inc amount ineligible for HLF grant
Total	4,956	
Footnotes:		
1. Pre tender estimate based on mid point of contract Q1 2024		
2. All figures Rounded to nearest £1,000		

- 3.12 There is currently a funding gap of £4.95m between the overall estimated costs and the funding currently approved and this is discussed in paragraph 3.13 -3.15 below.
- 3.13 Cabinet approved £1.77m towards the project at its meeting on 25th February 2020 and this enabled the Arcade to be purchased, initial stabilisation works to be undertaken and to employ BDP to undertake the designs for the project. This was supplemented by the funds required to purchase 18-20 Corporation St /17 Foundry, approved by Cabinet on 21st September 2021, bringing the total Council funds to £2.063 Million.

- 3.14 External funds have been secured as itemised in Table One, bringing the total secured funds to £4.079 Million. When officers reported earlier this year it had been anticipated that the project would be able to benefit from Historic England (HE) grant, but the elongated programme has meant that there would not now be sufficient time to meet HE deadlines and therefore HE funding has now been ruled out.
- 3.15 It is proposed to submit the Stage 2 application to HLF in February next year, with a decision expected by June 2023. As part of the assessment of grant, the Heritage Lottery Fund exclude from their grant calculation the increased value of the property as a result of the improvement works that have taken place. The Council appointed an independent valuer, approved by the National Heritage Lottery Fund, to calculate the enhanced value. The expectation is that the applicant will cover this value as it is the applicant that has the benefit of the improved property value.
- 3.16 Also due to inflationary pressures the amount of funding required to fill the financial gap between costs and funds secured has increased. Officers have already gone some way towards mitigating this by finding savings on the project. However, in bidding for HLF grant the Council needs to be aware of their need to achieve the good value for money for the limited funds they have and how this compares to the suggested grant request made in the Stage 1 application.
- 3.17 It is proposed that the Council increases its contribution to the project by £500,000. This covers the enhanced value that is ineligible for HLF support and would increase the total Council contribution to the project to £2.563m. This would mean that the Stage Two request to HLF would be approximately £4.45m which would be below the Heritage Funds maximum 90% grant rate of eligible costs. It is proposed that the Council's additional contribution of £500,000 is met from the Dewsbury Town Centre Action Plan programme part of the approved Capital Plan and Cabinet approval is sought for this.

Risks

- 3.14 The risk register for the project itemises all the risk for the project and these are actively managed by the Project Team and Project Board. Table 2 below highlights the main risks.

Table Two: Key Risks		
Risk	RAG	Mitigation
Construction Cost increases (before tender & during construction)	Red	Detailed designs & specifications. Contingency. Further value engineering.
Poor response to tendering	Amber	Carry out market engagement prior to tender. Use established framework.
Funding gap	Amber	Prepare comprehensive and compelling case for HLF Stage 2 application. Agree revised completion dates for GBF grant.
Tendering prior to all funds being in place	Amber	Make contractors aware of the position prior to tender.

Arcade Group unable to meet preconditions	Amber	KC investment in share issue. Proactive marketing by Group. Council manage directly as default.
Occupancy low - financially unsustainable	Amber	Completion of town centre investments (TIP). Active management by Group. Tight cost control. More flexible lettings policy.
Loss of £25,000 Council investment	Amber	There will be a min of £25,000 other investment which manages the risk. Ensure good Business Plan, and other improvements made to Dewsbury Town centre. Ultimately accept the investment could need to be written off.

4. Consultees and their opinions

- 4.1 The Town Deal Board support the scheme and Government have approved the project as part of the Town Investment Plan(TIP). Prior to the TIP approval the project has been through the Council's agreed assurance process and been approved by the relevant senior officers and portfolio holders.
- 4.2 The project has a valid planning permission which was subject to public consultation. Cabinet, on two occasions in 2021, has considered the Town Investment Plan, which includes the Arcade within it. Historic England are supportive of the proposal as it helps to achieve the HAZ objectives.

5. Next steps and timelines

- 5.1 Following a decision by Cabinet, officers will undertake all the necessary legal and other work required to agree the Agreement to Lease and the lease. Officers will complete all the necessary documents and work required to submit the Stage 2 application in February 2023. Key dates are outlined in Table 3.

Table Three: Key Dates	
Action	Timescale/Date
Signing of Agreement to Lease & Lease	January 2023
Submission of Stage 2 HF application	23 February 2023
Tendering of main works contract	March – April 2023
Decision on HF Stage 2 application	June 2023
Arcade Group Share Issue	June to August 2023
Construction starts	September 2023
Practical completion of works	August 2024
Completion of Lease	September 2024
Arcade reopens	October 2024

- 5.2 Cabinet needs to be aware that in order to meet a summer 2023 start on site then it will be necessary to go out to tender prior to all the funding being confirmed. This does carry a risk that contractors could be reluctant to tender for the work but officers will carry out early engagement with the market to mitigate this risk. An alternative would

be to wait until all funds are in place. However this will mean that the scheme would not be on site for a further 3-4 months and also mean that funders expectations regarding completion dates will not be met and risk loss of grant funds.

6. Officer recommendations and reasons

It is recommended that Cabinet:-

- (i) Approves the submission to the Heritage Lottery Fund of a Stage 2 application and, if it should be successful, that the acceptance of any offer of grant from the Heritage Lottery Fund is delegated to the Strategic Director (Growth and Regeneration) in consultation with the Service Director – Legal, Governance and Commissioning, to agree and complete any related grant or any other associated legal agreements.

Reason: To enable the effective delivery of the project.

- (ii) Approves the granting by the Council of an agreement for lease and lease of the Arcade to the Arcade Group/Arcade Company under the Heads of Terms contained in the private Appendix 3 and delegates authority to the Strategic Director (Growth and Regeneration) in consultation with the Service Director – Legal, Governance and Commissioning, to agree and complete the lease once preconditions outlined in the Agreement for Lease have been met and all other legal documentation.

Reason: To enable the effective delivery of the Arcade project and manage risk.

- (iii) Agrees to allocate £500,000 for the Arcade project from the Dewsbury Town Centre Action Plan programme part of the approved capital plan, subject to the resources being available.

Reason: To fully fund the costs of the project.

- (iv) Notes the intention to seek tenders for the project prior to all funding being confirmed and agrees that subject to approval of a grant from Heritage Lottery Fund that the Strategic Director (Growth and Regeneration) in consultation with the Service Director – Legal, Governance and Commissioning has authority to let the construction works contract

Reason: To expedite the delivery of the project

7. Cabinet portfolio holder's recommendations

- 7.1 The Portfolio Holders for both Regeneration and Town Centres support the proposals in the report and recommend that the report be approved. Councillor Turner (Cabinet Member for Regeneration) has commented; 'The continued investment in the Arcade is a vital part of the ambitions of Cabinet to regenerate Dewsbury. This historic iconic building, once fully renovated, will bring yet more life back into Dewsbury town centre. This coupled with our other plans to further invest in Dewsbury is a very clear message; we believe in Dewsbury and want it to be once again a thriving vibrant centre that people want to visit and shop in, and spend their leisure time in.'

8. Contact officer

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9. Background Papers and History of Decisions

Report to Cabinet 25th February 2020: The Arcade, Market Place Dewsbury.

Report to Cabinet 21st August 2018: Dewsbury Heritage Action Zone.

Report to Cabinet 22nd January 2019: Dewsbury Town Centre Strategic Development Framework.

Report to Cabinet 21st September 2021: Strategic Property Purchase – 18-20 Corporation street/17 Foundry St Dewsbury.

Report to Cabinet 12th October 2021: Dewsbury Town Deal Next Steps

Report to Cabinet 18th January 2022: The Arcade, Market Place Dewsbury - Lease

10. Strategic Director responsible

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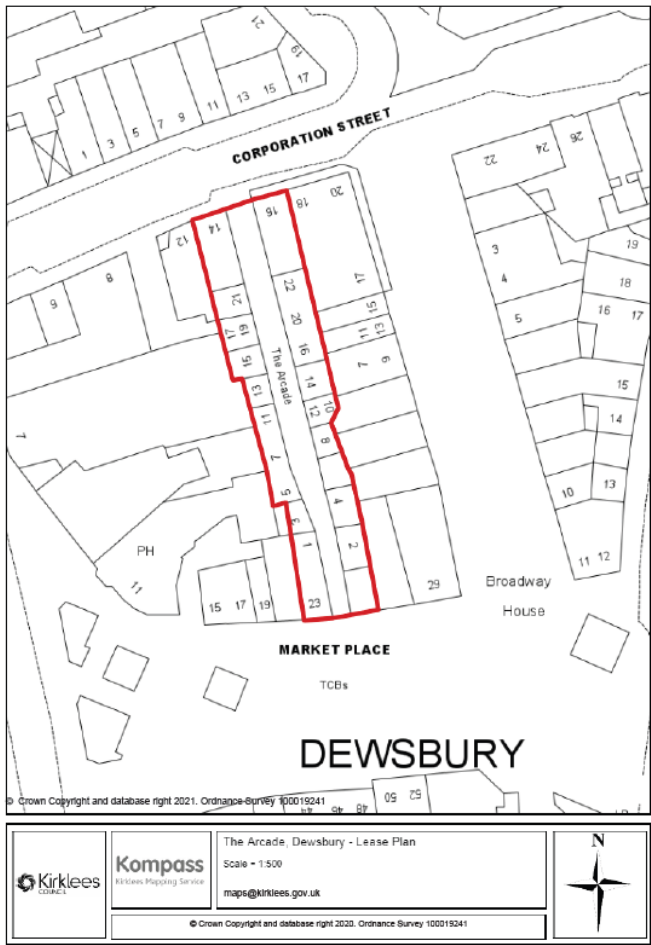
Appendices

1. Location Plan
2. Title Boundaries
3. Revised Heads of Terms (private)
4. Aerial View
5. Equalities Impact Assessment

APPENDIX 1: LOCATION PLAN



APPENDIX TWO: OWNERSHIP



18-20 Corporation Street/17 Foundry Street



APPENDIX 4: AERIAL VIEW



Source: Bing Maps

APPENDIX 5

EQUALITIES IMPACT ASSESSMENT

<p>Name of project:</p> <p>Project objectives: (describe the project's aim as it relates to protected characteristics)</p>	<p>The Arcade</p> <p>The Arcade has been shut for six years so the main aim is restore and repair the Grade 2 Listed Victorian Building to enable it to be once again a key part of the town centre offer; a vibrant centre of activity that is home to small independent businesses.</p> <p>This is a new start, and we are aware of needing to meet our equalities obligations within the restraints of a listed heritage building. The Arcade relates to some of the protected characteristics set out in the Equality Act 2010, these include:</p> <ul style="list-style-type: none"> • Disability • Age • Race <p>The aim of the project in relation to Disability and Age is to ensure that there is suitable access within the building to the shops. There will be a need to relay the passageway to allow unstepped access to all but 2 of the 23 shops. The aim to ensure there is provision of a ground floor disabled access toilet. As the Arcade has two floors there will be the provision of a lift installed to the event space on the second floor of Unit 24, Corporation Street.</p> <p>Dewsbury's population is 40% of Asian heritage it is therefore the aim of the project in relation to race is ensure the Arcade will be managed in a way that tries to achieve 'fusion' and equality of tenants from each community.</p> <p>In Autumn '21 the Council considered making 'The Arcade - Dewsbury' community business the preferred bidder for taking the lease on the Arcade. This will give the Arcade a deeper community base and through a shariah compliant community share issue in Spring '21 will spread ownership amongst the community. Every effort will be made to make the Board representative of the community in both race and gender and consultation will be continuous.</p> <p>Public consultation has taken place around the Dewsbury Blueprint ('20) and again around the Town Fund submission ('21).</p>
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Age

Consideration	Response
<p>Baseline situation (describe only where different to the national average, or where otherwise relevant)</p>	<p>Age Population</p> <p>The Kirklees Observatory 2020 data notes the population for all Dewsbury Wards as 61,894. The population of Dewsbury East where the Arcade is situated is 20,130, Dewsbury West 22,505 and Dewsbury South 19,259.</p>

Consideration	Response
	<p>The population figures for Dewsbury East based on the age group 0-15yrs stands at 20.8%, Dewsbury West 28.5% and Dewsbury South 23.1%. All the figures for all three wards are above the national average for England which is set at 19.2% and for Kirklees which is set at 20.3%.</p> <p>The population figures for Dewsbury East based on age group 16-64 stands at 63%, Dewsbury West 62.5% and Dewsbury South 62.3%. All the figures for all three wards are either above or inline with the national average for England which is set at 62.3%.</p> <p>The population figures for Dewsbury East based on age above 65+ stands at 16.2% (3,262), Dewsbury West 9.1% and Dewsbury South 14.6%. All the figures for all three wards are below the national average for England which is set at 18.5% and for Kirklees which is set at 17.9%.</p> <p>The data is telling us that Dewsbury's population within the 0-15 and 16-64 age group is higher than the national average. This means that there is a greater impact on this age group in terms of ensuring the Arcade is accessible. In terms of the population within the 65+ age group this is slightly lower than the national average, so the impact is slightly less.</p>
Assessment text (summary of how the proposed project affects the protected characteristic)	<p>As noted in the data above the Arcade project has the potential to affect people within a certain age group. People that have difficulty with mobility due to age could be at a disadvantage in accessing areas within the Arcade due to it having two stories which may only be accessible via steps. Also, the gradient of the existing passageway within the Arcade currently means that each shop unit has a stepped access which could also be problematic for certain age groups, both young and old.</p> <p>In terms of the data, it has highlighted that the 65+ age group is slightly less than the national average so the impact may be slightly lower. However, it could be said that mobility issues due to health and age are greater within that age group and therefore there is a need to make sure the Arcade is made accessible.</p>
Is the effect positive/negative/mixed? (add an explanation)	<p>+VE / M / -VE</p> <p>Mixed</p>
If the effect is negative or mixed:	
Is the effect significant? (add an explanation)	<p>Y / N</p> <p>Yes, as this would prevent certain age groups from being able to visit the Arcade and the businesses within it.</p>

Consideration	Response
What embedded mitigation does the project contain?	To mitigate against this negative effect during the restoration of the Arcade a lift will be installed to allow access to the Corporation Street side of the upper event floor space. The Arcade passageway will also undergo work to ensure the levels are set in line with the shop fronts, therefore removing the need for any steps which would have in impact on those of a certain age a group that may struggle with mobility.
What residual significant effects remain?	None
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	The council needs to ensure that appropriate time and attention is given during the design stages to account for these effects and how they affect age. It will be the council that will be accountable for acting and making sure the designs and construction phase mitigate against these negative effects.

Disability

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	<p>Disability</p> <p>The percentage of people who have a long-term illness or disability (that limits a person's day to day activities and has lasted or is expected to last at least 12 months and includes problems related to old age) in Dewsbury East is in circa of 3,643 (19.3%) compared with England that has 17.6%. As for Dewsbury West the figure recorded is 3,591 (17.9%) and Dewsbury South 3,491 (18.6%)</p> <p>The data indicates that there is a higher percentage of the Dewsbury population that may have a long-term illness or disability. Therefore, the impact upon accessibility is greater for the Arcade project.</p>
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	As noted above the Arcade project has the potential to affect people with a long-term illness and disability. Those people that have a long-term illness or disability which effects mobility and coordination for example could be at a disadvantage in accessing areas within the Arcade due to it having two stories. Also, the gradient of the existing passageway within the Arcade currently means that each shop unit has a stepped access which could also be problematic for people with disabilities.
	+VE / M / -VE

Consideration	Response
Is the effect positive/negative/mixed? (add an explanation)	Negative
If the effect is negative or mixed:	
Is the effect significant? (add an explanation)	Y / N Yes, as this would prevent people with long term illness and disabilities being able to visit certain parts of the Arcade and the businesses within it.
What embedded mitigation does the project contain?	To mitigate against this negative effect during the restoration of the Arcade a lift will be installed to allow access to the Corporation Street side of the upper event floor space. The Arcade passageway will also undergo work to ensure the levels are set in line with the shop fronts, therefore removing the need for any steps which would have in impact on those of a certain age a group that may struggle with mobility.
What residual significant effects remain?	None
What action is required? Who will be accountable for it? (this could include further mitigation measures or re-prioritisation of projects)	The council needs to ensure that appropriate time and attention is given during the design and construction phase to mitigate against these negative effects.

Gender reassignment

Consideration	Response
Baseline situation (describe only where different to the national average, or where otherwise relevant)	Not applicable to this project as there are no effects on the protected characteristic
Assessment text (summary of how the proposed project affects the protected characteristic)	
Is the effect positive/negative/mixed? (add an explanation)	+VE / M / -VE
If the effect is negative or mixed:	
Is the effect significant? (add an explanation)	Y / N
What embedded mitigation does the project contain?	

Consideration	Response
What residual significant effects remain?	
What action is required? Who will be accountable for it? (this could include further mitigation measures or re-prioritisation of projects)	

Marriage and civil partnership (note, this is a protected characteristic only in regard to eliminating discrimination)

Consideration	Response
Baseline situation (describe only where different to the national average, or where otherwise relevant)	Not applicable to this project as there are no effects on the protected characteristic
Assessment text (summary of how the proposed project affects the protected characteristic)	
Is the effect positive/negative/mixed? (add an explanation)	+VE / M / -VE
If the effect is negative or mixed:	
Is the effect significant? (add an explanation)	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? (this could include further mitigation measures or re-prioritisation of projects)	

Pregnancy and maternity

Consideration	Response
Baseline situation (describe only where different to the national average, or where otherwise relevant)	Not applicable to this project as there are no effects on the protected characteristic

Consideration	Response
Assessment text (summary of how the proposed project affects the protected characteristic)	
Is the effect positive/negative/mixed? (add an explanation)	+VE / M / -VE
If the effect is negative or mixed:	
Is the effect significant? (add an explanation)	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? (this could include further mitigation measures or re-prioritisation of projects)	

Race

Consideration	Response
Baseline situation (describe only where different to the national average, or where otherwise relevant)	<p>Race</p> <p>Dewsbury is a diverse place, census 2011 notes that the highest majority of the population by ethnicity in the Dewsbury East Ward is as follows -</p> <ul style="list-style-type: none"> • White 82% (English Welsh/Scottish/Northern Irish/British) • Asian/Asian British - 13.7% • White -Irish, Gypsy or Irish Traveller, other White 2.1% • Mixed/multiple ethnic group – 1.56% • Black African/Caribbean /Black British – 0.24% • Other ethnic group – 0.016% <p>For Dewsbury South –</p> <ul style="list-style-type: none"> • White 52% (English Welsh/Scottish/Northern Irish/British) • Asian/Asian British – 45% • White -Irish, Gypsy or Irish Traveller, other White 5.66% • Mixed/multiple ethnic group – 1.15% • Black African/Caribbean /Black British – 0.34%

Consideration	Response
	<ul style="list-style-type: none"> • Other ethnic group –0.44 % <p>For Dewsbury West –</p> <ul style="list-style-type: none"> • White 45% (English Welsh/Scottish/Northern Irish/British) • Asian/Asian British – 48.41% • White -Irish, Gypsy or Irish Traveller, other White 2.75% • Mixed/multiple ethnic group – 2.44% • Black African/Caribbean /Black British – 0.67% • Other ethnic group –0.55 % <p>Figures for England from the 2011 census indicate the following -</p> <ul style="list-style-type: none"> • White 79% (English, Welsh/Scottish/Northern Irish/British), • Asian/Asian British- 7.82% • White -Irish, Gypsy or Irish Traveler, other White - 5.66% • Black African/Caribbean /Black British – 3.48% • Mixed/multiple ethnic group -2.25% • Other ethnic group – 1.04% <p>The data shows that all three Dewsbury wards have a higher percentage of people that indicated their ethnicity as Asian/Asian British compared to the national average figure 7.82%. Both the Dewsbury East and Dewsbury South wards show a higher percentage towards the White ethnic category whereas Dewsbury West has a higher percentage towards the Asian/Asian British ethnic category.</p> <p>The South Asian population has increased since the census was done in 2011. As noted above the population of Dewsbury with an Asian heritage now stands at 40% and this figure is likely to increase.</p>
<p>Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i></p>	<p>The Arcade project affects race as the data above shows just how diverse Dewsbury is in terms of the ethnic groups. There is a larger proportion of the Dewsbury population that class themselves as either White or Asian/Asian British in comparison to other ethnic groups. It is therefore important that the Arcade project takes this into account and notes the diversity of Dewsbury population when determining what the overall offer will be. As noted above the Arcade will be managed in a way that tries to achieve 'fusion' and equality of tenants from each community.</p>

Consideration	Response
Is the effect positive/negative/mixed? (add an explanation)	+VE / M / -VE Positive as the Arcade project will support Dewsbury's diverse population and will help to increase activity in the town center and reverse the long-term drop-in footfall.
If the effect is negative or mixed:	
Is the effect significant? (add an explanation)	Y / N
What embedded mitigation does the project contain?	The council are keen for the Arcade to be community led and have therefore developed a steering group of local entrepreneurs, known as the Dewsbury Arcade Group project who have organized a web and social media presence for the project. The Dewsbury Arcade Group intend to constitute itself as a Community Benefit Society and organise a community share issue to maximize local involvement and ownership. The council have studied the EHRC's equality assessment guide and has assessed race impacts on the Arcade development. As 40% of Dewsbury residents are BAME, the council is focused on involving all communities as potential traders and in the management and as traders within the Arcade.
What residual significant effects remain?	None
What action is required? Who will be accountable for it? (this could include further mitigation measures or re-prioritisation of projects)	The Council will be responsible for leasing out the management of the Arcade and therefore will need to ensure they have carried out a robust process to appoint the most suitable community organization. The project will be subject to a robust and regular risk assessment.

Region or belief

Consideration	Response
Baseline situation (describe only where different to the national average, or where otherwise relevant)	Not applicable to this project as there are no effects on the protected characteristic
Assessment text (summary of how the proposed project affects the protected characteristic)	
	+VE / M / -VE

Consideration	Response
Is the effect positive/negative/mixed? (add an explanation)	
If the effect is negative or mixed:	
Is the effect significant? (add an explanation)	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? (this could include further mitigation measures or re-prioritisation of projects)	

Sex

Consideration	Response
Baseline situation (describe only where different to the national average, or where otherwise relevant)	Not applicable to this project as there are no effects on the protected characteristic
Assessment text (summary of how the proposed project affects the protected characteristic)	
Is the effect positive/negative/mixed? (add an explanation)	+VE / M / -VE
If the effect is negative or mixed:	
Is the effect significant? (add an explanation)	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	

Consideration	Response
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

Sexual orientation

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	Not applicable to this project as there are no effects on the protected characteristic
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE
If the effect is negative or mixed:	
Is the effect significant? <i>(add an explanation)</i>	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	

Family Test (if used)

Consideration	Response
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	
	+VE / M / -VE

Consideration	Response
Is the effect positive/negative/mixed? (add an explanation)	
If the effect is negative or mixed:	
Is the effect significant? (add an explanation)	Y / N
What embedded mitigation does the project contain?	
What residual significant effects remain?	
What action is required? Who will be accountable for it? (this could include further mitigation measures or re-prioritisation of projects)	

In-combination effects

Consideration	Response
Is there an in-combination effect across multiple protected characteristics? (e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)	None
What action is required? Who will be accountable for it? (this could include further mitigation measures or re-prioritisation of projects)	