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## COMMERCIAL BOARD

**Minutes of a Meeting held on Thursday 25 October 2018 in the Council Chamber, Town Hall, Matlock at 6.00 pm.**

### PRESENT

Councillor Albert Catt - In the Chair

Councillors Richard FitzHerbert, Steve Flitter, Mike Ratcliffe and Lewis Rose OBE.

Paul Wilson (Chief Executive), Sandra Lamb (Head of Corporate Services), Mike Galsworthy (Estates & Facilities Manager) and Jackie Cullen (Committee Assistant).

1 member of the press.

### APOLOGIES

Apologies for absence were received from Councillor Andrew Shirley.

### 187/18 – MINUTES

It was moved by Councillor Albert Catt, seconded by Councillor Richard FitzHerbert and

**RESOLVED** That the minutes of the Commercial Board meeting held on 18 July (unanimously) 2018 be approved as a correct record.

The Minutes were signed by the Chairman.

### 188/18 – PROPOSALS FOR A JOINT VENTURE – PUBLIC CONSULTATION RESPONSE

The Board considered a report outlining the responses to the public consultation on the potential for the District Council to enter into a joint venture with the private sector as a vehicle to better manage the Council's property portfolio.

At its meeting on 18<sup>th</sup> July, the Board resolved that a 6 week period of public consultation be undertaken on the draft proposals and the reasoning to form a joint venture. This consultation took place from 3<sup>rd</sup> September 2018, in the form of an online survey published on the Council's website and supported by formal presentations at the Area Forum meetings held in Matlock (10<sup>th</sup>

September), Bakewell (18<sup>th</sup> September) and Ashbourne (25<sup>th</sup> September), and had invited responses to four potential delivery options as listed below and detailed in the report:

**Option A – Managing Assets In-House**

**Option B – Development Partnership via Tender Procurement**

**Option C – Developer Partnership**

**Option D – A Combination Approach.**

The results were summarised in the report, and It was noted that the response from the public consultation exercise did not indicate overwhelming support for a single delivery option; moreover it supported the view that there were different options available to the Council and that the future management of the District Council's land and property assets should have regard to the advantages / disadvantages of each of these options in determining which delivery model may be most appropriate for a particular project.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Mike Ratcliffe and

**RESOLVED**

(unanimously)

That the Board notes that the results of the public consultation response accords with its provisional view that a mixed approach to delivery is in the Council's wider interests and that the responses are taken into account in determining its approach to the future management of the District Council's land and property assets.

**189/18 – ALTERNATIVE USE OF ASSETS – PUBLIC CONVENIENCES**

The Board considered the findings of business cases outlining the viability of options to develop or dispose of assets formerly and currently used as public conveniences, as listed below:

- Former public convenience – Bakewell Recreation Ground.
- Former public convenience / waiting room – Matlock Bus Station.
- Former public convenience – Artists Corner, Matlock Bath.

In addition, the Board also considered the future use of the Hall Leys Ranger Station and resolved that formal expressions of interest were invited for a commercial lease of the Ranger Station Building. Furthermore, a decision on future use of the Ammo store as a potential welfare and store facility was deferred pending a decision on the use of the Ranger station.

The Chairman advised that each site would be discussed and voted on separately. Details of each site were set out in the report, with the relevant business cases attached in the appendices to the report.

**190/18 - BAKEWELL RECREATION GROUND (Appendix 1 to the report)**

The business case for this facility outlined two potential options:

Option 1 - Remain as is;

Option 2 - Convert part to park café and consolidate public convenience.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Steve Flitter and

**RESOLVED**  
(unanimously)

1. That having considered the business case for the facility at Bakewell Recreation Ground the Board agreed to pursue the option to convert part to park café and to consolidate the public convenience facilities.
2. It was agreed that, in order to take this option forward the following actions were required:
  - a. To consult with the Peak District National Park Planning Authority to establish acceptable parameters for the reuse of the existing building
  - b. Preparation of a planning brief to be presented to a future meeting of the Board
  - c. To conduct a structural survey and obtain structural advice on the building
3. That, subject to the successful completion of the actions at 2, above, an updated business case for the proposed usage of this facility be considered by a future meeting of the Board.

**191/18 - BUS STATION, MATLOCK (Appendix 2 to the report)**

The business case for this facility outlined four potential options:

Option 1 - Remain as is;

Option 2 - Pop up retail facility;

Option 3 - Convert 50% to Retail space and retain remainder as waiting room;

Option 4 - Convert 100% to Retail space

It was moved by Councillor Steve Flitter, seconded by Councillor Lewis Rose OBE and

**RESOLVED**  
(unanimously)

1. That having considered the business case for the facility at Matlock Bus Station the Board agreed to pursue to the option to convert 100% of the facility to retail space.
2. It was agreed that, in order to take this option forward, and subject to planning approval for change of use, the following actions were required
  - a. The waiting room be marketed as available to let giving a range of space at either a 30m<sup>2</sup> shop or 60m<sup>2</sup> shop.
  - b. Asking rent of £250m<sup>2</sup> (Rent of around £15,000pa for a 60m<sup>2</sup> shop)
  - c. The waiting room should be listed with a local agent to ensure it is on property search engines.
  - d. Council officers contact nationals to gauge interest along with any other lead acquired
  - e. Marketing to commence in November with a view to lease next April subject to planning and building work required.

### **192/18 - ARTISTS CORNER, MATLOCK BATH (Appendix 3 to the report)**

The business case for this facility outlined four potential options:

- Option 1 - Remain as is;
- Option 2 - Retail facility to lease (building only);
- Option 3 – Auction (building as is);
- Option 4 – Consider commercial development potential

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Richard FitzHerbert and agreed

#### **RESOLVED**

1. That having considered the business case for the facility at Artists Corner, Matlock Bath the Board agreed to pursue the option to consider the commercial development potential of this site.
2. It was agreed that, in order to take this option forward, the following actions were required:
  - a. Minimise the holding costs of the building
  - b. Convene a multi-disciplinary team of Council Officers to establish the parameters for the writing of a planning brief.
3. That a report be presented to a future meeting of the Commercial Board for consideration once the planning brief is prepared.

#### **Voting:**

|                    |   |
|--------------------|---|
| <b>For</b>         | 3 |
| <b>Against</b>     | 0 |
| <b>Abstentions</b> | 2 |

The Chairman declared the motion CARRIED.

### **193/18 - CHILDRENS PLAY AREA, HALL LEYS PARK / KNOWLSTON PLACE, MATLOCK**

Following the resolution of Council on 30<sup>th</sup> April, this toilet facility had been closed and replaced by a portable and fully accessible facility which would remain in place until October 2018.

Council agreed to continue discussions with Matlock Town Council on the potential to provide a sustainable facility on site which was financially viable. These discussions had now progressed to a successful conclusion whereby Matlock Town Council had agreed to a Community Asset Transfer. The Town Council had now taken over responsibility on the basis of a Tenancy at Will, whilst the full legal documentation was being prepared. The Town Council's intention was to retain and maintain public conveniences aimed at the younger clientele in half of the building and to convert the remaining for storage. Terms had been agreed for the District Council to grant aid the transfer in the sum of £8,275. The Town Council had agreed to terms requiring them to charge for the facility and take on the premises on a full repairing basis.

## **194/18 - RANGERS STATION AND AMMO STORE, HALL LEYS PARK, MATLOCK (Appendix 4 and Appendix 5 to the report)**

In light of the progress that had been made with Matlock Town Council, the District Council now had two operational buildings in Hall Leys Park where a single facility would suffice. It was therefore proposed that Expressions of Interest be invited for alternative uses for both facilities with the outcome of this exercise being reported to a future meeting of the Board. In the meantime it was proposed that Community and Environmental Services staff be permitted to move back into the Ranger Station pending a final decision being made as to its future use.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Steve Flitter and

**RESOLVED**  
(unanimously)

1. That the Board approves the Expression of Interest Invitation for Hall Leys Park Ranger Station, Matlock, for provision of an additional activity, service, or facility which is educational and enhances visitor facilities in this vibrant park.
2. That proposals for the provision of food, drink or ice cream would not be considered.
3. That the Board approves the Expression of Interest Invitation for the Ammo Store, Matlock for provision of an additional activity, service, or facility which is educational and enhances visitor facilities in this vibrant park.
4. That proposals for the provision of food, drink or ice cream would not be considered.

## **195/18 – EXCLUSION OF PUBLIC AND PRESS**

It was moved by Councillor Albert Catt, seconded by Councillor Richard FitzHerbert and

**RESOLVED**  
(unanimously)

That members of the public be excluded from the meeting for the remaining item of business as the report contains information which is legally privileged. To disclose the information to the public may place the Council at a disadvantage in any legal proceedings and is therefore not in the public interest to disclose.

## **196/18 – COMMERCIALISATION – ADVICE ON DELIVERY OPTIONS**

The Board considered feedback on specific legal advice on the District Council's powers to enter into a limited liability partnership with a private sector, as set out in the report, together with recommended actions. This had been requested by the Board at its last meeting.

The advice received was attached as an Appendix to the report. Comments and recommended actions were set out in the body of the report.

The Board was advised that awareness training in respect of State Aid would be offered in the near future, but that expert opinion may have to be procured on a case-by-case basis.

It was moved by Councillor Albert Catt, seconded by Councillor Richard FitzHerbert and

**RESOLVED**

(Unanimously)

1. That the advice is received
2. That the Board adopts the recommended actions throughout the report as part of its key considerations as to whether it should form an LLP and as a means of mitigating risk to the Council.
3. That awareness training on the potential for State aid is included in the Commercialisation training for Board members and senior officers

**MEETING CLOSED 7.15PM**

**CHAIRMAN**