

Agenda Item	
No:	
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Report of : Director of City Development

Report to : Executive Board

Date: 18 December 2013

Subject: PROPOSED REFURBISHMENT OF KIRKGATE MARKET, PROGRESS UPDATE AND RESPONSE TO THE DEPUTATION TO COUNCIL FROM FRIENDS OF LEEDS KIRKGATE MARKET

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	CITY & HUNSLET	
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:	10.4 (3)	
Appendix number:	1	

Summary of main issues

1. The proposed improvement and refurbishment of Kirkgate Market is consistent with the Best Council Plan 2013 – 17 in terms of promoting sustainable and inclusive economic growth by maximising employment opportunities for local residents. Kirkgate Market is in a prime retail location in the heart of the city centre. It is a Grade 1 Listed building and is the oldest and largest retail destination in Leeds, having a significant impact on the economic life of the city. There is a unique opportunity to improve the Market to make it more attractive to today's customers and traders, securing its growth for the future by investing to address its maintenance and capital investment requirements to meet customer expectations and expand its customer base by attracting some of the estimated 10 million customers per annum that will visit the adjacent Victoria Gate development when it opens in 2016.
2. The report summarises the progress made in developing the scheme proposals to the completion of RIBA Design Stage C for the proposed refurbishment and improvement of Kirkgate Market. The report advises that the estimated cost of the proposed works is in accord with the budget requirement advised to Executive Board at its meeting in March 2013.

3. The report responds to the questions raised in the deputation made by the Friends of Leeds Kirkgate Market to a meeting of Full Council on 13 November 2013.
4. The report also details and recommends the preferred option to be pursued for the redevelopment of the George Street frontage to provide a 'new front door' and improved links to and connectivity with the adjacent Victoria Gate development.

Recommendations

Executive Board is requested to:-

- (i) Note the content of the report;
- (ii) Endorse the proposed approach to secure the redevelopment of the George Street frontage as set out in Option 1 detailed in Appendix 1 to the report. If in the opinion of the Director of City Development and, with the concurrence of the Executive Member for Development and the Economy the preferred development approach ceases to be economically viable or no longer offers best value for money to the Council then to pursue Option 4 as detailed in Appendix 1 to the report;
- (iii) Note the response to the deputation submitted to the City Council from the Friends of Leeds Kirkgate Market;
- (iv) Note the actions required to implement the decision, the proposed timescales to continue to progress the project as detailed in paragraphs 3.6 and 3.17 of the report and that the Market Manager and the Head of Property Services will be responsible for the implementation of the decisions..

1 Purpose of this report

- 1.1 The purpose of this report is to update Executive Board on the progress made in developing the scheme proposals for the proposed refurbishment and improvement of Kirkgate Market (the Market), to note the proposed response to the deputation made to Full Council on 13 November 2013 by the Friends of Kirkgate Market and to endorse the procurement process to be pursued to secure a private sector developer partner for the proposed redevelopment of the George Street frontage.

2 Background information

- 2.1 Kirkgate Market is in a prime retail location in the heart of the city centre. It is a Grade 1 Listed building and is housed in five interconnected halls along with an open daily market at the rear of the building. It is a central feature in the retail landscape in the city and, its importance goes beyond the historic to include a significant impact on the economic life of the city. The Market is an important landmark in the city, not just in terms of the building but also in its importance to the people of Leeds and its international importance as the birthplace of Marks and Spencer. However, the Market faces the same challenges as other traditional markets across the country, with price competition from large retailers, rising customer expectations and a changing customer base.
- 2.2 Kirkgate Market also has distinct advantages which there are potential to build upon. It has an excellent location with a large catchment, housed in an iconic

historic listed building, an excellent fresh food offer in fruit and vegetables, butchery, fish and game, a popular and commercially successful daily outdoor market and a loyal customer base. There is now an opportunity to improve the Market. Action needs to be taken to address current problems with the condition of the building and to secure its future commercial success. There is a unique opportunity to increase customer numbers and spending in the Market by attracting some of the estimated 10 million customers per annum that will visit the adjacent Victoria Gate development when it opens in 2016.

- 2.3 In July 2011, Executive Board approved the vision and objectives for the Market and, in February 2012, the Executive Board approved recommendations to undertake a feasibility study to redevelop and refurbish the Market and to undertake an appraisal of its future management arrangements. Norfolk Property Services (NPS) undertook the feasibility study which identified the nature of the improvements and the development proposals that could be progressed to fulfil the Council's vision for the Market.
- 2.4 Prior to the commencement of the feasibility study and again after the initial findings of the study, stakeholder engagement was undertaken so as to ensure that all stakeholders with an interest in the Market could put forward their views and ideas on how the Market could be enhanced, improved and sustained into the future.
- 2.5 In parallel with the feasibility study, an options appraisal on the potential future management arrangements for the Market (both indoor and outdoor markets) was undertaken with the aim being to present proposals that would best meet the Council's vision and objectives for the Market, particularly with regard to improving trader participation in decision making and incorporating commercial expertise.
- 2.6 Executive Board at its meeting in March 2013 considered a report recommending the outline strategy for the proposed refurbishment of the Market, the future market management arrangements and the approach to be pursued for the redevelopment of the George Street frontage. Executive Board approved:-
 - (i) Agreement in principle to the proposed improvements to the interior of the Market, in order that the project can be progressed to the completion of RIBA Design Stage D and the submission of a detailed planning application;
 - (ii) Agreement in principle to progress improvements to George Street as a separate project (with approval from Executive Board to be sought subsequently to introduce this (the project) as a separate scheme into the capital programme);
 - (iii) Agreement to continue to hypothecate future years Markets' surplus to fund prudential borrowing, which in turn will fund the capital costs of the refurbishment proposals;
 - (iv) Agreement in principle to putting in place an alternative management structure within Leeds City Council (Executive Board's approval for the detailed proposals to be sought subsequently);
 - (v) An injection of £1.615m into the Capital Programme and the incurring of expenditure of £1.615m for the first phase of backlog maintenance and upgrade works in the Market, to progress scheme design proposals to the completion of RIBA Stage D for the proposed refurbishment of the Market and

(to progress) the developer procurement competition for the George Street frontage.

3 Main Issues

- 3.1 The NPS Group Leeds (the design team) has been retained by the City Council to provide a multi-disciplinary design service to develop scheme design proposals for the proposed refurbishment and improvement of Kirkgate Market to the completion of RIBA Stage D. Faithfull and Gould has been appointed to act as cost consultant on the project.
- 3.2 The design team in developing the scheme proposals to the completion of RIBA Stage C (outline design proposals) has responded to the commercial requirements of the Council, in that the proposals must reinforce existing business activity in the Market, encourage the growth and development of new businesses and facilitate the expansion of the customer base using the Market. The following provides an overview of the key elements developed within the Stage C design that will be developed in greater detail as the design develops to the completion of RIBA Stage D. Plans of the scheme proposals will be on display at the meeting of the Executive Board:-

(i) Improving the Interior of the Market

- ∇ **Replacing the Roof Covering of the 1976 and 1981 Halls:** The proposed work involves stripping off the existing roof covering and replacing it with a modern material.
- ∇ **Heating, Cooling and Ventilation:** The proposals will seek to improve the current situation and moderate the extremes of temperature experienced in the Market in the summer and winter, combined with improvements to the existing ventilation systems.
- ∇ **Creating Zones:** Central to creating zones to act as a magnet to attract shoppers to and through the Market is to combine the existing fish, game and butchery in one location to create a new food area based on the area around the existing fish and game row. Locating a mix of fish and meat traders in one area will allow a new common ventilation system to be installed to control potential odours and temperatures.
- ∇ **Covered Daily Market and Event Space:** Within the 1976 hall it is proposed to create a more flexible trading space so that the Market may respond to seasonal trends and changing retail pressures. This will be achieved by removing a large number of existing fixed units and associated services and creating an open trading area that can accommodate pop up stalls and re-locatable sales units in a variety of configurations to meet the needs of different trading scenarios. Also proposed to be accommodated in the 1976 hall will be a 'fixed' events space capable of accommodating around 250 people in flexible seating/standing arrangements, together with the provision of dedicated storage, lighting and sound systems.
- ∇ **New Pedestrian Routes:** The layout of a number of areas of the Market will be improved by the creation of a clearer and better defined north-south route linking the Market to the adjacent Victoria Gate development. The stall layout in the 1976 and 1981 halls will be reconfigured to provide a direct line of sight

between the two sides of the market. A key factor in 'opening up' the Market and making it more visible will be the treatment of the proposed commercial development on George Street adjoining the 1981 hall. Whilst proposals for this area remain under consideration, they will need to ensure that key entrances to the Market are clearly defined and respond to the pedestrian movements generated by the adjacent Victoria Gate development.

- ∇ **Day and Night Trading (Former Butcher's Row):** The southern units released by the proposed relocation of the butchers to the fish and game row, combined with the redeveloped George Street retail units could be configured to provide a flexible retail zone, capable of trading outside of normal Market hours to accommodate 'food to go' and specialist retailers.
- ∇ **Outdoor Market:** The proposals seek to remove some of the visual barriers that exist facing onto George Street, to open up the outdoor market creating better links to and connectivity with the proposed Victoria Gate development.

(ii) Phasing

- 3.3 The Stage C proposals present an indicative decant and phasing approach to the proposed works which remain subject to change as the detailed proposals evolve. The design team suggest that the first works to be undertaken will be the transformation of some of the existing blockshops adjacent to fish and game row into new butchers' accommodation. In order for this to happen, there will be a need to negotiate vacant possession with existing traders.
- 3.4 Plans detailing the high level indicative phasing proposals will be on display at the meeting of the Executive Board. A key underlying principle of the approach for delivering the works will be to minimise disruption to traders and visitors to the Market.
- 3.5 In order to inform the decant and phasing approach, the Council has procured contractor buildability advice through the YorBuild Framework, whose input will help influence the overall phasing and potential construction programme.

(iii) Programme

- 3.6 The indicative strategic programme which remains subject to change as the scheme proposals develop is as follows:-
 - ∇ Submissions of RIBA Stage D Report January 2014
 - ∇ Submission of Design and Cost Report to Executive Board March 2014
 - ∇ Submission of Detailed Planning and Listed Building Applications May 2014
 - ∇ Secure Planning and Listed Building Consents August 2014
 - ∇ Out to Tender October 2014
 - ∇ Appoint Preferred Contractor January 2015
 - ∇ Completion of Works Summer 2016

3.7 Members of Executive Board should note that in order to maintain the proposed strategic development programme, the Kirkgate Market project team and the design team are in discussion with the Local Planning Authority regarding the submission of Planning and Listed Building applications for the proposed works and, that it would be the intention to undertake a pre-application presentation to City Centre Plans Panel early in 2014. In addition, whilst the preferred procurement route for the contractor to undertake the improvement and refurbishment works has yet to be determined, it is likely to be either two stage traditional (fully designed) or two stage develop and construct, with both approaches incorporating early contractor involvement in the project. In order to mitigate cost risk to the project, it is proposed that the contractor procurement process commence early in the New Year through the YorBuild Framework, such that the preferred contractor is available to work with the design team at the commencement of the RIBA Stage E design phase.

(iv) BREEAM

3.8 The City Council's Business Plan details how the Council will, wherever possible, seek to ensure that new buildings achieve a BREEAM excellent rating. BREEAM addresses wide ranging environmental and sustainability issues and enables building owners to demonstrate the environmental credentials of a building, by using a straightforward scoring system that is transparent, flexible, easy to understand and is supported by evidence based science and research. During the development of the Stage C design proposals, the proposed works were reviewed against the BREEAM Retail 2008 methodology, as such an assessment route is considered more appropriate for refurbishment projects. The purpose of the pre-assessment is to determine the predicted BREEAM score that the proposed refurbishment of the Market could achieve and, provide a broad overview of the requirements and implications of achieving this score.

3.9 The pre-assessment results indicate that the refurbishment of the Market will achieve a BREEAM score of 70.19%. The threshold for an excellent rating is 70%, however, the mandatory requirements for an excellent rating within the energy section of the pre-assessment have not been met and, are unlikely to be met given the open nature of the building, its Grade 1 Listed status, the use of the building and the nature of the proposed refurbishment works. As a consequence, the pre-assessment report confirms that an excellent rating is not achievable, but that a robust very good rating should be achieved and is, therefore, proposed as the BREEAM target for the project moving forward.

(v) Project Costs

3.10 The design team advise that the total project cost remains estimated at £12.3m inclusive of fees, inflation, project contingency, promotion and tenant compensation as previously advised to Executive Board at its meeting in March 2013. Members of the Executive Board should, however, note that at this early stage of the scheme design, the cost consultant advises that estimated costs could be in the order of +/- 10% and, whilst allowance for construction inflation has been made within the project cost plan through to Quarter 1 2015 when the project is envisaged to start on site, it should be noted that there is a potential that tender price inflation may increase beyond current forecasts or that there may be a delay to the project starting on site early in 2015.

3.11 Executive Board should also note that the Stage C cost estimate makes no provision for any major structural works that may be required to the Market buildings

or for any works associated with asbestos removal until further structural and asbestos survey works have been undertaken and considered in the context of the proposed works.

George Street Redevelopment

- 3.12 Executive Board at its meeting in March 2013 was advised as to the proposed improvements to the existing 1930's and 1980's shops and office buildings on George Street fronting onto the proposed Victoria Gate development. In particular, Members were advised that with the significant development proposed, the Market needs a 'new front door' on its George Street frontage, to provide an easy and welcoming access into the Market for the many more visitors to this part of the City. It was noted that the George Street shops/offices were outdated and out of proportion both with the scale of the adjacent Grade 1 Listed Market building and the proposed Victoria Gate development.
- 3.13 Initial indications suggested that double fronted retail units at ground floor level accessed from both George Street and from within the Market, with associated complementary commercial/residential development on the upper floors above the retail units could be developed on the site; that the redevelopment opportunity could be progressed by a private sector developer following a developer competition as a separate project to, but having regard to the proposed improvements to the Market and, that it was possible that some financial support from the City Council would be required to facilitate the redevelopment of the George Street shop units, in particular, for the ground and first floor commercial accommodation to be retained and managed directly by the City Council.
- 3.14 Following Executive Board's agreement in principle to progress improvements to George Street as a separate project, discussion with the Council's Procurement Governance and Regulations Manager as to the proposed procurement procedure to be pursued has confirmed that given the potential development costs for the overall scheme, the level of input the Council will have in specifying the nature of the proposed development and, the potential level of support required to be provided by the Council that a fully compliant OJEU procurement process be undertaken.
- 3.15 In order to assist the Council to bring forward the most viable commercial development opportunity for the George Street frontage, a firm of Chartered Surveyors was retained to undertake a number of valuations to assess the viability of a mixed retail, commercial and residential development on the site. The options that the commercial advisors were asked to consider were as follows;
- Option 1; A development partner to be granted a long lease for the site to construct a 4/5 storey development and to lease back to the City Council the ground floor retail units with complementary commercial uses at first floor level, with the Council making a financial contribution to the developer for the commercial floorspace leased back to the Council.
 - Option 2; As for Option 1 above, but with the Council paying the developer a percentage of the rent it receives for the ground and first floor premises
 - Option 3; The Council markets the site as a redevelopment opportunity and receives an annual rent or a capital receipt based on a long ground lease

- Option 4; The Council pursues the development of a 2 storey development of the site itself

3.16 A photograph of the current George Street shop units and drawings showing indicative elevations and massing for both a 4/5 storey and a 2 storey development are attached as appendices. The drawings show that the 4/5 storey development would complement the massing of the adjacent Grade 1 Listed Market building and provide an urban street scape to George Street with an elevation complementing the Victoria Gate development, whilst the 2 storey development would provide an improved urban street environment, it would step down distinctly from the Listed market building. Details of the advice received from the commercial advisors are contained in Appendix 1 of the report, the content of which is Confidential/Exempt under Access to Information Procedure Rules 10.4 (3).

3.17 If Executive Board is minded to support moving forward with the proposed redevelopment of the George Street retail/office units through the appointment of a private sector developer to undertake the development, the indicative programme for the selection of a preferred developer following an OJEU Restricted procurement process has been identified as follows:-

✓ Issue restricted OJEU Contract Notice	February 2014
✓ Receive Pre-Qualification Questionnaires	April 2014
✓ Issue tender to short listed developers	June 2014
✓ Tender returns	August 2014
✓ Secure all required approvals	December 2014
✓ Confirm selection of preferred developer	January 2015

3.18 Once the selection of the preferred developer is confirmed, allowing time to complete the legal agreements with the developer, for the developer to apply for and secure planning consent, to secure vacant possession of the shop units and assuming up to 18 months for demolition and works on site, it is envisaged that the earliest the proposed development would be complete is summer 2018.

Deputation, Friends of Leeds Kirkgate Market (FOKM)

3.19 A copy of the deputation made to Full Council on 13 November 2013 by the Friends of Leeds Kirkgate Market (FOKM) is detailed at Appendix 2 of the report.

3.20 Members of Executive Board should note that officers have previously responded to a number of the issues raised by FOKM in their deputation to Full Council. However, a full response to the specific issues raised in the deputation is detailed below, whilst reference should also be made to the paper elsewhere on the agenda to the meeting which details the proposed Board of Management arrangements to be introduced for the management of the Market (subject to Executive Board approval) which has at its heart giving traders more of a say in the management of the Market.

- 3.21 Executive Board may wish to note that FOKM have presented a number of inaccurate statements in the deputation namely that 'in excess of £1.6m would be spent this financial year on maintaining and upgrading the property'and that 'footfall (to the Market) is reducing'. In reality, Executive Board at its meeting in March 2013 agreed an injection of £1.615m into the capital programme and the incurring of expenditure of £1.615m for the first phase of backlog maintenance and upgrade works in the Market; to progress scheme design proposals to the completion of RIBA Stage D for the proposed refurbishment works to the Market and to progress the developer competition for the George Street frontage. In this respect the Council, through the appointment of the design team to develop the scheme design proposals and a readiness to undertake expenditure on back log maintenance works which are urgent on health and safety grounds or are business critical is doing precisely what it agreed to undertake. With regard to FOKM's statement about footfall reducing. The Market's own survey of customer numbers reveals that footfall is up over 2% over the year, which equates to around 3,600 visitors a week to the Market.
- 3.22 FOKM has sought confirmation as to how much of the £1.6m expenditure authorised by Executive Board at its meeting in March 2013 has already been spent, on what will the remainder of the expenditure be spent and if this is the first phase how can anyone be sure that any of this will be delivered?. At the date of report preparation a total of £587,000 (rounded) has been committed both to progress the scheme proposals for the improvement and refurbishment of the Market to the completion of RIBA Design Stage D and to progress the developer competition for the redevelopment of the George Street frontage. Any underspend will be held for expenditure at a later date against the substantive Market refurbishment project. Any commitment to further expenditure will be dependent upon Executive Board authorising the project to proceed upon receipt of a Stage D design and cost report early in 2014.
- 3.23 FOKM has requested clarification as to why some traders have been asked to pay for electrical works to their stalls, including Butchers Row and why is there no consistent policy for all traders? Members of Executive Board should note that FOKM has previously been advised that the responsibility for maintaining safe and compliant electrical installations in individual stalls rests with the tenant under the terms of their lease agreement. As the works are the responsibility of the tenant they should also be at the tenant's cost, though the Council has assisted where possible by for example achieving economies of scale in the cost of periodic testing, the cost of which has been passed on to tenants and by allowing tenants to spread the cost of any resulting work over a period of time if such work is carried out by the Council's contractor. Many of the traders have taken up this option. With regard to stalls on Butchers Row which were found to be in most urgent need of upgrading and had a unique earthing fault not directly attributable to individual tenants, the decision was taken that in order to facilitate this work in a timely manner the Council would pay for such works. Accordingly, Members will appreciate that there are clear and consistent policies with regard to these matters.
- 3.24 The FOKM has identified that the area behind the George Street shops is a major loading area for traders and has enquired as to what alternative arrangements will be made for traders given the proposals to redevelop the George Street frontage. FOKM has previously been advised that this issue will be addressed as part of the future servicing arrangements for the market as a whole

- 3.25 FOKM has enquired as to when the detailed proposals for the Market will be shared with the traders/public. Members of Executive Board should note that an open session was held with the traders on 18 November 2013 to inform them of the Stage C proposals, with the feedback from such sessions helping to inform the development of the Stage D design proposals. Arrangements are now in hand to hold further meetings with traders on both an individual and on an area basis.
- 3.26 The FOKM has sought clarification as to how traders would be involved in the design of the alternative Market management structure. Members of Executive Board should refer to the paper elsewhere on the agenda for this meeting which details the proposed Market Management Board arrangements. Traders were invited to an open session on 18 November to discuss proposals relating to the proposed management arrangements and, that a newsletter is to be prepared to advise traders of the detail of the proposed Management Board format.
- 3.27 Clarification has been sought as to the reasons for the restructuring of the Market management and the apparent reduction in resources/expertise. The FOKM has previously been advised that the Council's Economic Development Service is undergoing a restructure, but that these proposals are not yet finalised and, therefore, at the current time there is no change to the markets management structure.

4. Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Executive Member for Development and the Economy, Development Lead Members and the Kirkgate Market Project Board have been consulted and are supportive of the recommendations contained in the report.
- 4.1.2 An open session for all market traders was held on 18 November 2013 to inform them of the Stage C design proposals and to update them on the proposed George Street redevelopment project. In respect of the Market refurbishment project, the traders expressed concern about the loss of car parking provision on Union Street as a consequence of the Victoria Gate development in advance of the new multi storey car park to be built on the site of the Millgarth Police Station; the proposed servicing arrangements for the traders on fish and game row and the new butchery and, sought more information on the proposed daily covered market and the potential provision of 'permanent' units around the perimeter of the 1976 hall. Traders also sought clarification as to how compensation levels for businesses not taking space in the refurbished Market would be calculated and, further information was sought as to the timing of the proposed works and when such works would impact upon individual traders. The outcome of the open session and the feedback received will help to inform the development of the design through to the completion of RIBA Stage D.
- 4.1.3 Further trader engagement meetings are to be scheduled for specific areas of the Market, to be followed by individual meetings with traders affected by the proposed works. The outcome of these sessions will also feed into the Stage D scheme proposals.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The open session with the traders was organised to ensure it was inclusive with regard to equality and diversity/cohesion and integration.
- 4.2.2 An Equality, Diversity, Cohesion and Integration Screening has been completed for the project and was presented to Executive Board at its meeting in March 2013.

4.3 Council Policies and City Priorities

- 4.3.1 The refurbishment proposals for Kirkgate Market are crucial to supporting the Council's vision for Kirkgate Market which is to be the best market in the UK:-
 - ∇ Highly successful, profitable and sustainable;
 - ∇ A Centre of excellence for independent retailers and entrepreneurs;
 - ∇ A top destination for residents and tourists.
- 4.3.2 Securing the future of Kirkgate Market is a key element of being the Best City.
- 4.3.3 Best City... for business - making sure jobs are created and that local people can access these jobs, making sure new developments create skills and opportunities through apprenticeships. Supporting Leeds to be an attractive place to visit and invest in, with cultural attractions for local people and visitors nationally and internationally.
- 4.3.4 Best City... for communities - encourages community spirit and local activity, but recognises that it will take high-quality public services

4.4 Resources and Value for Money

- 4.4.1 The cost of developing the scheme proposals for the improvement and refurbishment of Kirkgate Market to the completion of RIBA Stage D and, progressing the developer competition to select a developer for the George Street redevelopment project can be met from existing budget provision authorised by Executive Board at its meeting in March 2013.
- 4.4.2 The level of financial contribution required from the City Council to facilitate the comprehensive redevelopment of the George Street units to create a mixed use scheme with retail/commercial uses at ground and first floor level with residential uses above is detailed in Appendix 1 of the report, the content of which is Confidential/Exempt under Access to Information Procedure Rules 10.4 (3).

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The proposed works to the Market will require Notice to be served on tenants of the Market and the occupiers of the George Street shops under Section 25 of the Landlord and Tenant Act 1954, or termination of Contracted Out Leases or Licences as appropriate, depending on the nature of the existing agreement with individual tenants in order to secure vacant possession of premises required for the redevelopment/refurbishment works.
- 4.5.2 The information contained in Appendix 1 to this report relates to the financial or business affairs of a particular person and of the Council. This information is not

publicly available from the statutory registers of information kept in relation to certain companies and charities. It is considered that since this information was provided to enable the Council to consider the commercial viability and funding option for the redevelopment of the George Street shops, then it is not in the public interest to disclose this information at this point in time. Also the release of such information would or would be likely to prejudice the Council's commercial interests in relation to the proposed OJEU procurement exercise. It is considered that whilst there may be a public interest in disclosure, much of this information will be available from the Land Registry following completion of the development structure and consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It is, therefore, considered that this element of the report should be treated as Confidential/Exempt under Access to Information Procedure Rules 10.4 (3).

4.6 Risk Management

4.6.1 A risk register has been prepared for the project and will continually be reviewed during the lifetime of the project and the key risks will be reviewed at meetings of the Kirkgate Market Project Board.

4.6.2 The key risks identified to date include:-

- ∇ Lack of developer interest in the George Street redevelopment project;
- ∇ Failure to secure vacant possession of the required stalls and shop units in a timely manner and
- ∇ Maintaining a budget compliant scope of works.

5 Conclusion

5.1 The design team has developed the scheme proposals to RIBA Stage C for the improvement and refurbishment of the Market having regard to the commercial requirements of the Council, that the proposals must facilitate the growth of existing and the development of new businesses and encourage the expansion of the customer base using the Market.

5.2 The redevelopment of the George Street frontage by a private developer whilst requiring a level of financial support from the Council offers the opportunity to create a more appealing frontage that will attract shoppers into the Market from the adjacent Victoria Gate development and will result in a significant improvement in the urban environment in this part of the city.

6 Recommendations

6.1 Executive Board is requested to:-

- (i) Note of the content of the report;
- (ii) Endorse the proposed approach to secure the redevelopment of the George Street frontage as set out in Option 1 detailed in Appendix 1 to the report. If in the opinion of the Director of City Development and, with the concurrence of the Executive Member for Development and the Economy the preferred development approach ceases to be economically viable or no longer offers

best value for money to the Council then to pursue Option 4 as detailed in Appendix 1 to the report;

- iii) Note the response to the deputation submitted to the City Council from the Friends of Leeds Kirkgate Market;
- (iv) Note the actions required to implement the decisions, the proposed timescales to continue to progress the project as detailed in paragraphs 3.6 and 3.17 of the report and that the Market Manager and the Head of Property Services will be responsible for the implementation of the decisions.

7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.