

DERBYSHIRE COUNTY COUNCIL
CABINET MEMBER MEETING –
STRATEGIC LEADERSHIP, CULTURE AND TOURISM

31 AUGUST 2017

Report of the Strategic Director of Corporate Resources

THE BUXTON CRESCENT AND THERMAL SPA HERITAGE TRUST
LIMITED – WITHDRAWAL OF DERBYSHIRE COUNTY COUNCIL AS A
MEMBER OF THE COMPANY

1. Purpose of the Report

To seek approval for the withdrawal by the County Council as a member of the Buxton Crescent and Thermal Spa Heritage Trust Limited.

2. Information and Analysis

The Council has been working in partnership with High Peak Borough Council (HPBC) and the Council's development partner, the Buxton Crescent Hotel and Thermal Spa Company Limited (BCHTSC) for many years to deliver a project for the restoration of the Crescent building, natural baths and pump room in Buxton to provide an hotel and spa development together with a visitor centre, shops and restaurant in the restored building.

The project will see the restoration and regeneration of the Grade I Listed Crescent building and will create employment opportunities in the High Peak area during the construction phase and once the hotel and spa development is opened.

The Development Agreement entered into in 2012 between DCC, HPBC and the BCHTSC provided that the Councils would procure the setting up of the Charitable Trust which would take the lease of the property from the Councils and, in turn, grant a sub-lease to the hotel operator. The intention was that the Trust would be an independent charitable body, set up initially by the Councils following open advertisement for individuals with appropriate skills and it was proposed that the Councils would each have representatives on the Trust.

The Trust was originally established as a company limited by guarantee in 2015 with HPBC and DCC registered as the founder member subscribers of the company and the Trust was registered as the sole member of the associated trading company in order for the companies to be registered with Companies House. Trustees have recently been appointed, including an elected member from DCC and an elected member from HPBC who have been appointed as Directors of the Trust, together with a number of other Directors/Trustees. A Trust Manager has also been appointed. For financial reasons the Trust is seeking charitable status and has requested that both HPBC and DCC agree to withdraw as members of the Heritage Trust in order that this can be achieved. The request is in line with advice given by external solicitors who specialise in setting up and advising small bodies and charities, that the Charity Commission's preference was not to have local authorities or corporate bodies as members of charitable companies. HPBC have indicated that they will withdraw as a member of the company but this is subject to their internal governance procedures.

HPBC and DCC will continue to have a Trustee/Director on the Heritage Trust. In DCC's case this is currently Councillor Tony Kemp.

3. Other Considerations

In preparing this report the relevance of the following factors has been considered; financial; legal; prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, property, social value and transport considerations.

4. Key Decision No

5. **Call In** Is it required that call-in be waived for any decision on this report?
No

6. OFFICER RECOMMENDATION

That the Cabinet Member gives approval for the County Council to withdraw as a member of the Buxton Crescent and Thermal Spa Heritage Trust Limited.

Judith Greenhalgh
Strategic Director Corporate Resources