

Minutes of a meeting of the **PERFORMANCE MONITORING PANEL** held in line with The Local Authorities & Police & Crime Panels (Coronavirus) (Flexibility of Local Authority & Police & Crime Panel Meetings) (England & Wales) Regulations 2020, on Monday, 13 July 2020 at 6.30 pm.

PRESENT

B Alcock (Chairman)
M D Booth (Vice-Chairman)

J R Astill
A C Beal
C J T H Brewis
R Grocock

J L King
J D McLean
N H Pepper
P A Redgate

G P Scalese
A C Tennant
S C Walsh
D J Wilkinson

In Attendance: The Executive Director Commercialisation (S151), the Executive Manager – Governance, the Place Manager, the Environmental Services Manager, the Democratic Services Manager and the Democratic Services Officer.

15 **APOLOGIES FOR ABSENCE**

The Panel was advised of the following substitution for this meeting only:

- Councillor A M Newton was replacing Councillor A C Cronin

16 **DECLARATION OF INTERESTS.**

There were no declarations of interest.

17 **CALL IN (RE-OPENING OF SOUTH HOLLAND'S MARKETS, AND SPALDING MARKET STALL PROVISION)**

The Performance Monitoring Panel received a report advising that on 16 June 2020, the Cabinet had considered a report regarding the re-opening of South Holland markets and Spalding Market Stall Provision. The following decision had been made by the Cabinet:

- 1) That in order to secure the safe re-opening of South Holland District Council markets, in line with government guidance introduced due to Covid-19:
 - a) The current practice of erecting and dismantling SHDC

Action By

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stalls at Spalding Tuesday and Saturday markets be suspended;

- b) The removal of trade waste by South Holland District Council at Holbeach, Long Sutton and Crowland markets be terminated, thereby making the service equitable across all markets;
- c) A book and pay system for traders who wish to stand at any SHDC market be introduced to enable a planned approach to market layouts each week and remove the need for cash handling, both of which assist with the opening of Covid-safe markets;
- d) In the event that, following the consultation referred to in Appendix B of the report, the current practice of erecting and dismantling stalls at the Spalding market is ended, the fees for Spalding traders be amended as shown at paragraph 1.20 of the report;
- e) A rent free period be introduced for traders until 31 July 2020 to support the recovery of markets;
- f) Social distancing procedures be introduced at all markets including changing the layouts to accommodate the new government guidance;
- g) The market trader handbook be amended in line with the above recommendations;
- h) The following toilets be re-opened with an enhanced, hourly cleaning regime:
 - a) Spalding Vine Street and Winfrey Avenue, Tuesday to Saturday 8am to 4pm;
 - b) Long Sutton and Holbeach, Monday to Friday 8am – 2pm

2) That the Portfolio Holder for Place to authorised to:

- a) Designate a statutory market at Victoria Street car park should the volume of traders increase to such a point that it is deemed appropriate to enable the Spalding markets to operate safely in accordance with Governance guidance; and
- b) Make a recommendation to Full Council or the appropriate Chief Officer (in consultation with the Chief Executive) in relation to any proposed impact on employment arising

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from the consultation process referred to in Appendix B;
and

- 3) That the Environmental Services Manager be authorised, in consultation with the Portfolio Holder for Place, to:
 - a) Undertake the necessary consultation in relation to any proposed impact on employment referred to in Appendix B of the report;
 - b) Change fees as set out;
 - c) Procure and implement a book and pay system;
 - d) To continue to monitor the government guidance as part of the Covid-19 response and make amendments alongside guidance changes, as requested;
 - e) Establish a Covid compliant market in the Market Place, Long Sutton if a road closure order can be obtained via the local Highway Authority and arrangements prove viable and achievable. If no such closure can be obtained the market to be established in the nearby council owned car park.

In accordance with the Council's Constitution, the decision had been called in by Councillors A M Newton, R Gibson and M Hasan, for consideration by the Performance Monitoring Panel. The report cited the reason why the decision should be called in as:

'We do not feel full and proper information has been available to all'.

The Councillors considered the following alternative decision should be made:

'Stalls should continue to be provided at Spalding market until the end of this financial year, or until proper and meaningful discussion is held with market traders, or their representatives'.

The report also laid out the following options available to the Panel, following consideration of all the information:

- a) To take no further action in relation to the call in;
- b) To refer the proposed decision back to Cabinet, setting out in writing the nature of its concerns; and
- c) If, having taken officer advice, the Panel considers that the

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decision is contrary to the Policy Framework or Budget, it may refer the matter to full Council. (The Panel was advised by officers that this option was not viable as the decision had not been contrary to the Policy Framework or Budget).

The initiators of the call-in, the Portfolio Holder for Place and relevant officers were all given the opportunity to put forward their views on, and respond to the issue under discussion, and members of the Panel were also able to ask questions.

During discussion of the issues, it was agreed that debate could be undertaken without referencing the exempt information specifically, and there was therefore no need for the meeting to go into private session.

The Councillors who called the decision in raised the following key points as their reasons for call-in:

- Full and proper information had not been available to all;
- Lack of consultation between the Council and the market traders and the traders' representatives;
- Too short a timescale – 1) for consultation with traders and councillors; and 2) between the time the decision was made and markets re-opening again – this had not allowed traders sufficient time to source their own stalls;
- The members understood that the authority had to comply with Government guidelines, but markets at other authorities had continued to trade during the COVID period;
- Other authorities were continuing to erect stalls for stall holders;
- No trial had been undertaken to see if the erection of market stalls could be done safely;
- It was difficult for some stall holders to erect their own stalls;
- A robust assessment had not been undertaken;
- Had costs been challenged?
- Losing the market would have an adverse effect on the town centre – it was felt that one of the main reasons for the decision was to cut costs, that there was no vision for the future, and that the decision had been rushed, not giving members enough time to respond;
- The future of the market needed to be considered as part of future plans for the town centre;
- Changes detailed within the decision made by the Cabinet seem permanent and not solely as a reaction to the current pandemic.

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Panel members raised the following issues:

- There was concern that there was a threat to the Spalding market;
- It was clarified that the call-in related specifically to the erection of market stalls at Spalding market, and that these decisions had been made as part of wider decisions relating to markets. Some members felt that the right decision had been made in response to the Covid pandemic, that there had been very short notice given allowing markets to re-open and that the short consultation period was therefore inevitable. They also felt that the decision was not permanent, and that the decision made had been Covid-related;
- Some members questioned the risk assessment, and the fact that it had been verbal rather than written – the markets were outdoors, spaced as guidance dictated and that the erection of the stalls was a low-risk role;
- Government guidance impacted upon all businesses across the area, with no-one being unaffected. The first priority should be to follow the guidance available at the time;
- Some members stated that they were hopeful for the Council's Spalding town centre improvement plans, which included the market;

The Portfolio Holder for Place responded to the call-in, and issues raised by members as follows:

- The Cabinet decision has been based on the correct advice from officers, and alongside guidance at the time, and had been the correct one in the circumstances that the authority had been confronted with;
- The Portfolio Holder did not wish to debate operational staffing matters, as this was the responsibility of officers however, he stated that the nature of the working practices, and the number of individuals employed to undertake them was correct;
- With regard to the way in which other authorities were operating their markets, he stated that all councils dealt with things differently and often had different budgets;
- Spalding market was not under threat as a result of the Cabinet's decision, and it did form part of the long term proposals for the Spalding town centre;
- The changes proposed were not permanent;
- Traders often commented on the negative impact of stalls

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being erected and then being left empty

Officers responded to the call-in, and issues raised by members as follows:

The Environmental Services Manager stated:

- No decision had been made to dispense of the market stalls;
- With regard to returning to work, whilst maintaining social distancing, legislation still stated a requirement for distancing of 2 metres, reduced to 1 metre in mitigating circumstances only. There was a need to protect traders, workers and businesses, and ensure their safety. There was a need to do a risk assessment, and to continue to do this alongside government guidance;
- Markets did form part of the Spalding town centre management programme;
- With regard to the current risk assessment for stalls not being erected during the Covid period being verbal rather than written, it was stated that it had been a verbal process as it was an iterative process, reviewed with each change in government guidance. Having a formally written assessment would be done when the risk had been assessed as appropriate to bring individuals formally back into that role, and this was not possible currently as it was considered currently too high risk in the current Covid crisis, and given the individual circumstances of SHDC and its employees;
- With regard to timescales, government guidance was moving very quickly. The authority would have liked more time to implement the changes, but this had not been possible. The Government had advised in late May that markets could re-open in June. Traders had wanted to return when it was as safe as possible to do so. They had also been contacted in person to ensure that they knew what the authority was doing, and why. The market had returned successfully although some traders had not wished to return.

The Place Manager stated:

- The Place Manager stated that she was the lead officer for the market towns improvement plan, and that prior to the Covid pandemic, a very successful event had been held with regard to identifying opportunities for the town. All plans would include the market traders, and the market was not solely specific to its stalls and structure. There was a whole package of improvements that the Council could look at, including promotion of the towns, including the markets themselves. As

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manager, she had undertaken a number of conversations with market representatives from Spalding, and also met with stall holders in the town centre to discuss layouts – these conversations had been positive and had resulted in other options being put forward. None of the representatives had stated that the market was a lost cause, or that nothing could be done about it.

Members considered the information, and in view of the options available to the Panel, the following two motions were proposed and subsequently voted upon:

First motion – Proposed by Councillor J Astill and seconded by Councillor A C Beal:

- That the Panel take no further action in relation to the call in The Panel voted on this first motion, and the proposal was defeated.

Second motion – Proposed by Councillor A M Newton and seconded by Councillor S Walsh;

- Stalls should continue to be provided at Spalding market until the end of this financial year, or until proper and meaningful discussion is held with market traders, or their representatives, and that the whole issue be subject to a more thorough examination to enable the council to find a way to rebuild the Spalding market into an attractive, viable market, supporting the economic viability of the district and the town which would help support aims in our corporate plan.

The Panel voted on this second motion, and the proposal was carried.

AGREED:

That the decision made by the Cabinet on 16 June 2020 be referred back to the Cabinet, with the following response from the Performance Monitoring Panel:

- Stalls should continue to be provided at Spalding market until the end of this financial year, or until proper and meaningful discussion is held with market traders, or their representatives, and that the whole issue be subject to a more thorough examination to enable the council to find a way to rebuild the Spalding market into an attractive, viable market, supporting the economic viability of the district and the town which would help support aims in our corporate plan.

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18 ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

(The meeting ended at 8.02 pm)

(End of minutes)