

Minutes of a meeting of the **PERFORMANCE MONITORING PANEL** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Tuesday, 7 December 2021 at 6.30 pm.

PRESENT

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

C J T H Brewis
T A Carter
A C Cronin

J L King
J D McLean
P A Redgate

J Tyrrell
S C Walsh
D J Wilkinson

In Attendance: The Deputy Chief Executive (Corporate Development) and S151, the Assistant Director – Leisure and Culture, the Head of Environmental and Operational Services, the Democratic Services Manager, the Democratic Services Officer and the Press.

Apologies for absence were received from or on behalf of Councillors N H Pepper, G P Scalese and A C Tennant

30 DECLARATION OF INTERESTS.

There were none.

31 CALL-IN (MARKET CONSULTATION OUTCOME)

The Performance Monitoring Panel received a report advising that on 26 October 2021, the Cabinet had considered a report regarding the outcome of the Market Consultation.

The following decisions had been made by the Cabinet:

1. That the adoption of the Markets Regulation Handbook, following consultation from 18 June to 30 July 2021, be approved;
2. That the Head of Environmental and Operational Services, in consultation with the Portfolio Holder for Environmental Services, be given delegated authority to make changes to the Market Regulation Handbook as necessary, following approval of the proposed options of this report;
3. That adoption of the new fee structure as consulted upon, and annual review, be approved;

Action By

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4. That Option Two, as set out in paragraph 2.2, be approved to ensure investment and growth in our markets and the ability to take action on the results of the consultation and implement the key findings, such as pop-up stalls and improved engagement;
 - a. That a new post of Markets Manager be introduced for a two-year fixed term trial to deliver the objectives of option two funded from the Investment and Growth Reserve as detailed in 5.5;
5. That the current suspension of stall erection and dismantling be made a permanent change to market provision, as reflected in the new fee structure;
6. That the attached Equality Impact Assessment be noted; and Page 3 Agenda Item 3;
7. That the current road closure in Long Sutton be made permanent to ensure the safe running of the market and maintain the high levels of social gatherings in and around Market Place each Friday.

A copy of the report and the appendices considered by the Cabinet was attached to the report.

In accordance with the Constitution, the decision had been called in by Councillors C J T H Brewis and J Tyrrell, who had stated:

'The Cabinet and Council have on many occasions wished to treat all retail markets fairly. It is upsetting that Long Sutton is to be adversely treated by having to pay an extra £1.50 (£8.50 instead of £7.00), over 60% increase, just because of a closure of the Market Place. Bearing in mind the large sums of Council Tax and business rates paid by the eastern communities in South Holland for distant District facilities in Spalding, we want all to be charged alike'.

Councillors Brewis and Tyrrell considered the decision maker should take the following action to address the concerns raised:

"We ask that the Long Sutton Market Charge be reconsidered and reduced to the same as the others (currently recommended £7.00)".

Councillor Brewis and Tyrrell considered the following alternative decision should be made:

"Reduce charges at Long Sutton Market to match the others in

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the District of South Holland”.

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

- a) To take no further action in relation to the call in (in this event, the proposed decision will take effect from the date of the Panel meeting).
- b) To refer the proposed decision back to Cabinet setting out in writing the nature of its concerns. (In this event, the Cabinet will re-consider the matter. Having regard to the views of the Panel, the Cabinet will make a final decision, which may or may not amend the original decision. This decision will not be subject to call-in (unless it is believed to be contrary to the Policy Framework or Budget). The Cabinet must explain the decision in relation to the concerns raised by the call in.
- c) If, having taken officer advice, the Panel considers that the decision is contrary to the Policy Framework or Budget, it may refer the matter to full Council. In this event, the Council will consider the matter within 15 days. If the Council does not consider the decision to be contrary to the Policy Framework or Budget, then it becomes effective on the date of the Council meeting. If the Council decides that it is contrary to the Policy Framework or Budget, then it can approve an amendment to the Policy Framework or Budget, in which case the decision will take effect from the date of the Council meeting. If the Council refuses to amend the Policy Framework or Budget, it can refer the matter back to Cabinet, who have to meet to consider the matter within 15 days. The Cabinet’s decision is not subject to call in. If the Council approves an amendment to the Policy Framework or Budget it can still refer the matter back to Cabinet for final decision – again, this matter is not subject to call in.

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

The Councillors who called in the decision explained their reasons for the call-in:

Councillor Brewis stated the following:

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- The main concern was that the proposed charges to be applied to Long Sutton market stallholders were higher than those applied to other markets in the district, as a result of the contribution to road closure costs which had been imposed by South Holland District Council. This was deemed unfair and parity across all markets was called for.
- That Council Tax and Business Rates income from Long Sutton businesses contributed towards district facilities in Spalding which were seldom used by Long Sutton residents due to distance, lack of evening public transport, and Long Sutton's proximity to the more accessible towns of King's Lynn and Wisbech. The often-expressed wish for fairness in the district required that Long Sutton stallholders be charged the same as elsewhere in the district and the rise of rent was deemed grossly unfair.

Councillor Tyrrell presented some context to the historic road closure decision for the Long Sutton market, and stated the following reasons for his objection to the current proposed increased charges:

- The relevant Portfolio Holder and Manager had visited the market a few years ago and proposed that the road be closed on market days for Health and Safety reasons. At that time, the imposition of extra charges for the road closure or traffic management was not discussed.
- When a recent proposal indicated that there should be parity of charges across the district's markets, he had supported this. He had been disappointed when a Cabinet decision had increased the charges at Long Sutton market only, by an extra £1.50 per stall. The reasons given for the increase were to cover the road closure and traffic management.
- He stated that when the original road closure had expired it had not been renewed by the Council and he had personally taken on the responsibility of the renewal, and the licence had been held in his name. He stated that this situation had not occurred in any other town in the district but that going forward the licence would need to be in the name of South Holland District Council.
- He questioned why the costs of setting out the Spalding market had not been passed onto the stallholders but had been carried by ratepayers. If the council wanted all markets to enjoy the same opportunities and be equal, then the same infrastructure should be provided. Town regeneration had been confined to Spalding and Holbeach however Long Sutton and other small towns were as important and should receive the same promotion.
- The Long Sutton market had received Councillor support

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during lockdown and he appealed to the Cabinet that this work should not be undone for the sake of £1.50. He asked on behalf of all Long Sutton stallholders that the council be fair and reconsider the proposed extra £1.50 to be charged.

The Portfolio Holder for Environmental Services responded to the call-in and issues raised by members, and made the following points:

- The Portfolio Holder stated that it was important that the context of the charges was understood. The charges had previously been different across the district, with Spalding the highest, and there had been an element of levelling down of charges across the markets. All service areas had been requested to find budget savings and the Portfolio Holder had asked the Service Manager for a zero budget for the markets. The first draft figures were submitted to Cabinet but concern had led to a further review. The review proposed a levelling up of charges which would have resulted in the same fees being charged to every stallholder in every market.
- Concern arose regarding how the road closure charge in Long Sutton would be met. The invoice for the road closure and traffic management was paid by South Holland District Council. Depending on the number of stallholders, the extra £1.50 charge raised on average between 40 and 50 per cent of the total traffic management cost each week, with the remainder being financed by the taxpayer. Cabinet had considered that the additional £1.50 per week had been a compromise and not an unreasonable contribution to be paid by each stallholder.
- The Portfolio Holder accepted that the suggestion of the road closure had come from the Council for the safety of stallholders and customers but that the charges had been different at that time and would continue to change in the future.
- The Portfolio Holder concluded that every market must be able to pay its way and that currently the charges had been levelled down; and that all other issues quoted as a reason for the call-in had been outside of the remit of Environmental Services.

Panel members raised the following issues:

- Spalding had a road closure in place but extra charges had not been proposed for Spalding stallholders. What was the purpose of the extra £1.50 charged to Long Sutton stallholders?

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- The Head of Environmental and Operational Services replied that the charge contributed to the cost of the traffic management company which had been contracted to deal with the Long Sutton road closure and traffic management. This had involved putting out signs and cones each week. Whilst a road closure was in place for Spalding, traffic restrictions existed throughout the week and so the road closures on market days had not required the services of an external provider. Signage was put out by the market officer, who was already in attendance at the market.
- Members asked for the overall cost of the traffic management company to be clarified and whether the contractors had been local.
 - The Head of Environmental and Operational Services confirmed the cost was £92 per week, plus VAT, and that on average 40 to 50 per cent of the cost had been financed from stallholder fees. The contractor was a company local to Long Sutton.
- Members sought clarification whether the cost would be reduced if more stallholders were present at the market?
 - The Head of Environmental and Operational Services confirmed that this was the case and that the new fee structure was based on the amount of the stallholders in attendance. The fees charged would be reviewed annually and on the current structure would reduce if more stallholders attended. It would be the decision of Cabinet if fees were maintained in order to increase recovery.
- Members asked whether the Council needed to employ a management company. Could a regular sign be permanently displayed instead?
 - The Head of Environmental and Operational Services responded that the team did not have resources to carry out the work so it would be at an additional cost. The services of the traffic management company were considered the best option as they had also been the experts in drawing the traffic diversion route. The regular sign in Spalding had been ignored by the public so this option had been considered unsafe as a solution for Long Sutton. Physical barriers were therefore required to be put out each week.
- Members stated the road closure costs should have been

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- included in the report.
- Members sought clarification whether the staff cost to display signage in Spalding was charged back to Environmental Services and questioned whether this could work the same way in Long Sutton.
 - The Head of Environmental and Operational Services responded that additional costs had not been incurred in Spalding as the staff were already on site at that time.

 - Members stated that a plan to put out the cones in Long Sutton had already been in situ. In Spalding, the infrastructure was covered by the taxpayer so why could this not be the case in Long Sutton?
 - The Portfolio Holder responded that there was a significant difference between the two road orders:
 - Spalding road closures for weekly markets had been encompassed by Lincolnshire County Council's (LCC) Traffic Regulation Order (TRO) and costs had not needed to be met by SHDC. The Spalding order was complicated and had been regularly flouted which had led to the purchase of extra barriers and signage financed through the Portfolio Holder's ward budget.
 - Long Sutton had a rolling temporary road closure order which needed to be renewed. The County Council had required that the road be closed safely which the traffic management company could fulfil. The management company ensured safety by preventing traffic access at appropriate times and had contributed to the success of the market. In this respect, Long Sutton was not in the same situation as Spalding, and the £1.50 contribution would ensure the current arrangements could continue.

 - Members responded that they had not been aware of any accidents before the Long Sutton market road closure had been imposed. The appointment of the traffic management company had not been the decision of stallholders and it was not accepted that an internal resource to carry out the work had not existed. It was reiterated that the point of the call-in had been that all markets should be charged the same to ensure fairness.

 - Members stated that parity could have been achieved by charging the extra £1.50 across all markets. Some markets

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would be subsidised by this process and would be assisted to thrive, so this was positive. There were differences of opinion with Members stating that characteristics of different markets needed to be taken into account.

- Members commented that the concept of fairness was difficult to interpret and questioned whether busier markets should be charged the same as those with lower footfall. Nonetheless, after completion of the consultation the Council had made the decision to level the charges across the district and had stated a support for markets. Where differences had existed in market locations, the Council therefore needed to consider whether it was prepared to cover additional costs which enabled markets to operate in a viable way.
- Members stated that the council had a duty to increase footfall in every trade in town and the amount of financial support required to ensure parity was deemed negligible compared to the socio-economic benefits it would bring. The variety and diversity of Long Sutton stalls had been accountable for attracting a healthy footfall to the market and the town. Whilst the council had stated its support for markets, the proposed enhanced fees to be borne by Long Sutton stallholders had not been considered supportive or fair and could deter stallholder attendance. This could negatively affect footfall to the markets and have an associated negative economic impact on the town. The Council was urged to show its support by covering the cost.
- Members noted point 3.13 which had stated that the aim of the Council was to seek a permanent road closure with LCC. Would this be the same as Spalding, what would the impact of that be and who would be responsible?
 - The Head of Environmental and Operational Services confirmed that differences existed between the Spalding and Long Sutton road closure arrangements. The Spalding TRO covered a pedestrian zone from 10am which had been later than the commencement of market trade hours, which had caused challenges. The road closure in Long Sutton commenced around 5am and although this had been a temporary closure, a request to make it a permanent one was being made. When markets were opened after lockdown, attempts were made to open the Long Sutton market in the car park however this had not been considered a good proposition and work was carried out with Councillor Tyrrell and LCC to achieve the temporary road closure which they were now looking to make

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- permanent. The current road closure had been in the name of SHDC.
 - The Portfolio Holder stated that the TRO in Spalding operated between 10am and 4pm, Monday to Saturday and this information was displayed. The TRO acknowledged that the market took precedence on market days at earlier start times and an officer already on site displayed the boards as the stalls were setting up. No surcharge was made for this resource.
- Members noted the presence of the staff member in Spalding and asked why a member of staff had not been provided at Long Sutton? Any resource had an associated cost.
 - The Head of Environmental and Operational Services responded that the member of staff worked across all markets, as evenly as possible. The officer had recently spent time at Long Sutton to assess the risks of current road closures being ignored; this information had been reported to the Police. The fee structure for the resource was spread across all markets.
- Members asked for details of the total financial shortfall across all of the markets.
 - The Head of Environmental and Operational Services stated that some costs were not fully included/recharged, this included the setting up of the new book-and-pay system, some staffing costs and indirect costs. Fees were contributing to these areas but the costs were not fully recovered.
- Members noted that the extra costs charged to Long Sutton stallholders for the road closure could be offset by the potential increase of market stall bookings across the district. There had been 130 available pitches overall and a fuller capacity would be driven by the new Markets Manager.
 - The Head of Environmental and Operational Services confirmed that an objective of the new Markets Manager post was to increase stallholder take-up and increase customer footfall. Any future changes to the fees would need to be agreed by Cabinet.
- Members asked whether the Welcome Back Fund had been considered to cover the additional costs of the Long

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Sutton Market. This would give time for the markets to grow to a point where they covered their own costs in the future.

- The Chairman stated the principle of the issue had been that the extra charges should not prevail and therefore not financed externally.
- Councillor Tyrrell concluded that a strong support by Councillors of the Long Sutton market had contributed towards its success and that the market was nearing capacity. He appealed to the Portfolio Holder to help towns thrive by keeping parity of charges throughout the district.
- Councillor Brewis concluded that the success of Long Sutton market needed to be protected for the health of the town and its residents.

The Chairman explained the options available and asked the Panel for a proposition. He clarified that:

- Option C did not apply as the decision was not contrary to the Policy Framework or Budget; and
- that Option A or B were available to the Panel.

Councillor Brewis proposed Option B: that the decision be sent back to Cabinet to be reconsidered, based on the reasons put forward and discussed.

This proposal was seconded by Councillor Tyrrell.

The Democratic Services Manager clarified that the call-in would be considered at Cabinet on 14 December 2021.

AGREED:

That the outcome of the Market Consultation be referred back to Cabinet for further consideration.

(The meeting ended at 7.35 pm)

(End of minutes)