

**SOUTH HOLLAND DISTRICT COUNCIL**

**Report of:** Executive Director - Commercialisation

**To:** Cabinet Tuesday, 16 June 2020

**(Author:** Charlotte Paine Environmental Services Manager)

**Subject** Re-Opening of South Holland Markets and Spalding Market Stall Provision

**Purpose:** To consider the options for re-opening the markets in South Holland and the market stalls provision at Spalding market

**Recommendations:**

- 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 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, the current practice of erecting and dismantling stalls at the Spalding market is ended, the fees for Spalding market traders be amended as shown at paragraph 1.20;
  - e. a rent free period be introduced for traders until 31<sup>st</sup> 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 to 2pm.
- 2) That the portfolio holder for Place be authorised to:
  - a. designate a statutory market at Victoria Street car park, Spalding 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 Government 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 from the consultation process referred to at 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;
  - 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 required.

An officer decision was published on 9<sup>th</sup> June which put in place a number of temporary decisions until such time as this cabinet report was implementable. These are now included within this report.

## 1) **BACKGROUND**

- 1.1 The impact of Covid-19 on the UK has meant that the government had to make the decision to introduce lock-down and shut certain retail outlets, including markets. On 24<sup>th</sup> March the decision was made to close markets in South Holland following government guidance and for the safety of our traders, staff and visitors.
- 1.2 As the lock-down on England eased, the government announced on 24<sup>th</sup> May that outdoor markets could reopen from 1<sup>st</sup> June, so long as they were 'Covid safe'. This term refers to measures such as social distancing, safe site layouts and clear signage being in place at all markets in order for them to open.
- 1.3 Markets are an important part of our towns and should be opened as soon as they are safe to do so. Markets cannot re-open as they were previously as government guidance states that measures such as social distancing must be implemented to make them safe to re-open. Therefore changes have needed to be made to the markets including location, layout, pitch booking and stall provision, to make them safe and provide confidence to those returning to our towns.
- 1.4 As part of the budget for 2020/21 the Council has a significant savings target and this service was identified as an area with the potential for generating service efficiencies in-year.
- 1.5 Having considered the government and national market body NABMA, guidance we have assessed each market to understand the changes required to ensure our markets are 'Covid safe' and can therefore re-open. There are a number of key changes that will be made across the South Holland markets of Spalding, Crowland, Holbeach and Long Sutton. Some changes are relevant to all markets whereas some are site specific. The report makes clear which markets will be impacted by the changes proposed.
- 1.6 Alongside the work that the council has done to review the government guidance, we have also been in contact with traders. Calls were made with traders in May and June to discuss implications of the Covid outbreak and potential changes that may need to be considered to allow for the safe and efficient re-opening of markets.
- 1.7 The market specific guidance released by NABMA states '*Social distancing will be needed until at least the end of the year to prevent fresh outbreaks of coronavirus even though the UK has reached the peak of the current epidemic*', therefore we must ensure we make the markets safe now and into the coming months. One of the key ways to do

this will be ensuring the layouts of our markets can support social distancing guidelines, which are that we remain 2m apart.

- 1.8 We reviewed each market to ensure that we can introduce these changes and have considered a number of approaches for this, including new locations for markets and altering where pitches are in each market. This report includes, in Appendix A, a proposed layout for the Spalding Market that has been drawn up taking social distancing guidelines into account for traders, businesses, customers and the public. The proposals have considered where businesses may require space to introduce their own queuing systems outside their shops and how we can ensure the markets do not impact on the safety of these.
- 1.9 In order to ensure that we can maintain safe layouts for our markets, it is vital that we know which traders are looking to attend each market. It is also important that we, like others such as supermarkets, introduce safe methods of payment. Therefore we are recommending to introduce an online book and pay system for traders at all markets. This will enable traders to book on to the market they would like to stand and make payment. It removes the risk of cash handling between traders to staff and gives South Holland advance notice of trader numbers to monitor safe layouts.
- 1.10 Whilst reviewing the market layouts, it was considered that minimal changes were required to Crowland and Holbeach markets given their size and location. Therefore there are no layout changes proposed. However, Spalding and Long Sutton both require changes to what was considered the normal layout prior to the outbreak.
- 1.11 Long Sutton has been reviewed to consider its proximity to the businesses and the road. Safety is the primary concern for SHDC when re-opening the markets. Not only for our traders but the businesses, customers and visitors to the towns and markets.
- 1.12 After seeking initial advice from Lincolnshire County Council (LCC) highways, we were aware that the potential for closing the road was very limited and in order to enable the efficient re-opening of the market, a proposal to re-locate the market in the SHDC owned car park in West Street was provided to the Parish and Ward members. At this time there is no agreed consensus for the safe location of the market and whilst we are unable to provide a timescale for re-opening, we continue to work through feedback received from ward members to establish a safe and legal option for the opening of this market.
- 1.13 During the outbreak some traders contacted the council to request permission to trade. They were within the government guidelines for food retail that could remain open, therefore these traders have been trading using a street trading licence. They will likely remain trading under such licence until the market location and safety is agreed.
- 1.14 In Spalding there were similar issues regarding the layout of the market and how we could safely re-instate the market without much disruption. Consideration was given to moving the market to Victoria Street car park due to the early representations from traders about the numbers wanting to return to the market immediately. During the second consultation with traders, numbers reduced with some looking to return in future weeks and consideration was given to the original locations of Market Place and Hall Place, being retained with some traders needing to relocate to Sheep Market.
- 1.15 The proposed layout in Appendix A shows the markets new positioning in the town and flows along with the one way system that has been introduced for pedestrian traffic.

- 1.16 Whilst we may be able to maintain the market close to its original position in Market Place currently, it will be necessary to move traders from their usual pitch site in order to adhere to guidance and facilitate use of Sheep Market to avoid a more disruptive move. Should the market traders increase to such a point that we are unable to maintain safe distances, we may need to consider moving the market to Victoria Street or reducing the number of traders or size of stalls, in consultation with the traders.
- 1.17 Should we require a move of the market to Victoria Street, this will be done in accordance with section 50 of the Food Act 1984. The Council's market rights are contained in a conveyance to the former Spalding Town Commissioners dated 19 January 1876. The wording of the conveyance is unclear, but it is considered that the Victoria Street car park does not come within the area of the Council's existing market rights. Therefore, in order to hold markets on the Victoria Street car park, it is necessary to establish new markets under the provisions of the Food Act 1984.
- 1.18 If it becomes necessary, due to the number of traders wishing to stand at the Spalding markets, to give further consideration to a relocation of the market to Victoria Street to ensure a safe market in Spalding, this would be undertaken in consultation with the leader and portfolio holder. Discussions will also be taken with representatives of the market traders.
- 1.19 As part of the assessment for safe market re-opening consideration was also given to the provision of stalls. Spalding Market is the only market that we provide for which we erect and dismantle the market stalls. The market here is held weekly every Tuesday and Saturday and staff of environmental services are responsible for storing, delivering and pre-erecting the market stalls. 5 members of staff are required to do this, including a tractor driver for approximately 4 hours per market day.
- 1.20 The potential for close proximity working for staff who erect and dismantle the market stalls, were considered when proposing the suspension of this service, as well as ensuring fairness across the markets as we do not provide them at other locations. It is acknowledged that alongside the recommendation for the removal of this service, there should be a resulting change to the charges for those standing at Spalding market.
- 1.21 A benchmarking exercise was undertaken to establish a suitable charge for Spalding market if stalls were no longer provided. Based on this, it is recommended that the fees for long term pitch traders be reduced, following the outcome of the proposals in Appendix B.
- 1.22 The changes proposed would be to move from £17.40 currently charged for a 2.4m stall provided by SHDC to £11.20 for an equivalent size 2.4m stall that traders would supply themselves (£14.00 for a 3m pitch). This is a competitive price when compared to local charges identified in the benchmarking exercise as set out in the table below.

Council	Stall Provided		Bring Your Own Stall	
	Casual Traders Stall	Long Term traders Stall	Casual Pitch	Long Term Pitch
<b>South Holland</b> Current Prices	£20.40	£17.40	£1.90 per 300mm (£19 for 3m)	£1.90 per 300mm (£19 for 3m)
<b>South Holland</b> New Prices based on Bring Your Own Stall	-	-	£1.90 per 300mm (£19 for 3m)	£1.40 per 300m (£14.00 for 3m)
South Kesteven - Bourne	£21.00	£19.30	£16.75 (3.05m x 3.05m )	£16.25 (3.05m x 3.05m)
Boston Borough	£26.00	£23.00	-	-
West Lindsey - Tuesday	£17.50	£16.00	-	-

1.23 The detail regarding the impact of the changes to potentially removing stall provision is available in Appendix B which is an exempt item under paragraphs 1 and 3.

1.24 Further to this, we have identified another area in which we have a policy which differs across markets. Currently for all markets other than Spalding, traders do not always take their waste with them. This has required SHDC to remove this waste through a trade waste arrangement with LCC. This practice comes at a cost to SHDC with expenses incurred for staff, vehicles and trade waste disposal. It is recommended that this practice is changed so that traders at all markets remove their own waste. This will ensure equity across all our markets.

1.25 To further support our traders to return to the markets post the government lockdown, we recommend that the fee to stand should be waived between the re-opening and the 31<sup>st</sup> July. This will enable our traders to return as the confidence increases within the public to return to our town which should in turn mean a footfall increase across the district. Traders will still be required to book online to acknowledge their desire to stand on each market and support safe layouts.

1.26 In order to support traders, a review of the market trader handbook will be undertaken to align it with the changes that are detailed in this report and ensure that they are relevant to current and upcoming government guidance. It will likely be necessary for further changes to be made to the markets in consultation with the leader and portfolio holder as government guidance changes in the coming months.

## 2) OPTIONS

2.1 **Option One – Make changes as outlined to enable the opening of the markets in line with government guidance.** This will ensure that traders and customers can feel safe to return to our towns and shop locally, thereby supporting the local economy. Those changes include;

- Introducing an online book and pay system
- Changing layouts at Spalding and Long Sutton markets
- Suspending the provision of stalls in Spalding market
- Amending the fees for traders in Spalding should stall provision cease

- Ceasing the removal of trade waste at markets by SHDC
- Introducing a rent free period for market traders until 31<sup>st</sup> July 2020
- Re-opening of toilets in Spalding, Long Sutton and Holbeach with an hourly cleaning regime.

2.2 **Option Two – Do nothing and therefore markets cannot re-open safely in the current Covid environment.** This option does not support our market towns, local economy, traders or residents to buy locally and is not the preferred option of this report.

### 3) REASONS FOR RECOMMENDATIONS

- 3.1 The re-opening of markets is key to the vitality of our towns and local economy. The markets must open swiftly but safely and in line with government guidance. Ensuring the safety of our traders, businesses, town and market visitors and residents is of utmost importance to SHDC. Therefore we must make changes to allow the markets to open in line with guidance and provide confidence to those returning to our towns.
- 3.2 Each of the recommendations feeds into the wider picture of a safe and secure market offer whilst ensuring that alternative approaches, which can create savings for the council, are implemented where appropriate.
- 3.3 The introduction of an online book and pay system for traders is the first step in ensuring our markets are laid out safely and appropriate for each market's needs. The best way for us to be able to monitor these layouts and flex and grow in the coming months is to have an accurate picture of the traders that wish to stand, their required pitch size and also reduce the need for face to face interaction for money collection.
- 3.4 Once we understand the numbers of traders wishing to stand, we must ensure that layouts are Covid safe. This means that we are complying with government and NABMA guidance. NABMA has a checklist of guidelines/considerations that can assist with making sure markets are safely re-opened and adhering to the 2m requirements. These include;
- Limiting customer numbers
  - Managing aisle width
  - Considering stall layout and numbers
  - Creating one way systems
  - Using barriers
  - Installing signage
- 3.5 We have considered all of the above and have implemented the guidance to ensure our proposed layouts address each of these areas for safe distances between stalls, businesses and pedestrian traffic.
- 3.6 The suspension of the current provision of stalls in Spalding is recommended whilst we review the impact of Covid and close proximity working and consider the financial implications for SHDC for maintaining the service. More detail regarding this is available in Appendix B.
- 3.7 It is recommended that in light of the proposed stall provision suspension that the rent charges for Spalding be reviewed in line with the benchmarking exercise undertaken. This

will support the traders and recognises that the removal of this service should result in a reduction in costs for traders where the costs have been reduced for SHDC.

- 3.8 The removal of trade waste that is only currently available at some, not all, markets provides an inequity which should be addressed. The practice comes at a cost to SHDC which is set to increase following changes to the charges for disposal levied by LCC.
- 3.9 It is important that we re-open the markets safely and that we support traders to return and therefore, the proposal to support traders with a rent free period until 31<sup>st</sup> July enables traders to return in the coming weeks whilst confidence is returned to the public to visit our towns. The re-opening of the toilets in these towns is important to support the public back to them. However, as with everything in a Covid climate, changes are required.
- 3.10 It is therefore recommended that the Spalding toilets in Vine Street and Winfrey Avenue to re-open Tuesday to Saturday 8am to 4pm with an hourly cleaning regime. These hours are recommended as they fall across the towns' previously busy times and enable the restructuring of staff hours and duties to provide enhanced cleaning. For Long Sutton and Holbeach, the recommendation is to re-open Monday to Friday 8am to 2pm. Again these are considered the busy times in the towns and will enable the improved cleaning regime within current staffing levels. In Crowland, the toilets are maintained by the parish with support from SHDC and we have been in touch regarding our plans and suggested working practices.

#### 4) **EXPECTED BENEFITS**

- 4.1 The overall aim of this report is to support our local economy, our traders, businesses and the visitors to our towns and markets to return safely following the Covid restrictions. Without these changes, our markets could not re-open.
- 4.2 Each of the recommendations assists with the safe re-opening of the markets in the quickest and safest way possible. These benefits include;
- Providing confidence to visitors and customers that the layouts of markets have been reviewed to ensure safe distancing;
  - Reducing potential for cash handling between SHDC staff and traders;
  - Providing real-time information regarding the number of traders due at each market and therefore supporting safe layouts;
  - Enabling layouts to flex and grow with the number of traders due and thereby reduce the need to move markets where not required if numbers are steady;
  - Enabling one way systems for safe pedestrian traffic around the markets with clear signage to support customers and visitors;
  - Reducing the risk of close proximity working when erecting and dismantling stalls;
  - Potentially providing savings to SHDC;
  - Enabling savings to be passed to traders by reducing pitch fees to those in Spalding no longer using the SHDC stalls;
  - Creating an equal service for all markets where no market receives trade waste collections;
  - Supporting traders to return with a period of rent free pitch hire to the end of July whilst consumer confidence grows;

- Providing an improved cleaning regime for the toilets in a Covid environment without the need for additional staffing costs.

4.3 All of these changes will be reflected in the policy handbook which will be updated to further support current and new traders.

## 5) **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

### 5.1 **Constitutional & Legal**

5.1.1 Apart from amending the Council's establishment, the issues detailed in this report are executive functions.

5.1.2 In normal circumstances, any proposal to amend the establishment would be submitted to full Council for consideration, but a further full Council meeting will not be held until September 2020 and it is not yet known when any later meeting will be held. In the circumstances, the recommendations acknowledge that any decision to amend the Council's establishment arising from the consultation detailed in Appendix B may be taken by the Chief Executive under her emergency delegated powers at paragraph 6 of Part 3 Section F2 of the Constitution.

5.1.3 The Council's market rights are contained in a conveyance to the former Spalding Town Commissioners dated 19 January 1876. They allow for the market to stand as it does currently in Market Place and Hall Place and gives provision for Sheep Market to be used.

5.1.4 It is considered that the Victoria Street car park does not come within the area of the Council's existing market rights, and another vehicle must be used in order to establish markets on the car park, should that be necessary. Therefore, it is proposed that a statutory market may be that vehicle. An additional statutory markets will not affect the Council's existing market rights, should it be required.

5.1.5 The Council's off-street car parking places order makes provision for the Council to close all or parts of its car parks as appropriate which will enable the markets to be held on the car park.

### 5.2 **Corporate Priorities**

5.2.1 By making these changes, we are looking to support our local economy, traders and businesses and therefore achieve our corporate aim to *'Support Spalding and Holbeach to be attractive places that people want to visit, live and work while supporting all other towns and villages in the district to meet the needs of their communities.'*

### 5.3 **Financial**

- 5.3.1 The impact of Covid nationally has been unprecedented both socially and economically. The same is true for the impact to SHDC, but the need to re-open our markets 'Covid safe' is clear and vital to the recovery of our economy. Therefore the proposals in this report are looking at both how we can safely re-open and also the cost impacts of doing so.
- 5.3.2 Many of the proposals do not come with additional cost implications, an example of this is the proposed toilet re-openings which come with enhanced cleaning but due to the proposed changes to opening hours, can be sustained in current staffing levels.
- 5.3.3 The introduction of a book and pay system will have a financial impact. In the interim a free online web form is being created to support the requirement for SHDC to understand trader numbers, but whilst pitch rents are free until the end of July, a payment system is not required. We continue to appraise options for a more permanent book and pay solution that will support markets but also other areas of the council that have the requirements of such a system to enable digital working. Further to this, the procurement of such a system will likely lead to efficiencies in current practices, such as the time taken handling money and also audit recommendations regarding the safety of this practice.
- 5.3.4 There are financial implications to the proposal to suspend the provision of the market stalls in Spalding. Further detail regarding this is provided in Appendix B. Should the resulting decision be to cease this provision, it is a recommendation that the fees for traders be reviewed in line with the removal of a service and benchmarking that has been undertaken. The financial implications of this are considered in line with any savings that may be available following the change in service provision.
- 5.3.5 There is a recommendation to support traders with free pitch rent until the end of July 2020. This is considered appropriate to support the return of traders following many weeks being unable to trade, and in some cases being unable to acquire normal levels of stock. Alongside this, footfall may be lower than previously and SHDC would like to support traders as we work to build confidence in our towns and markets post lock-down.
- 5.3.6 The recommendation to cease collection of trade waste at all markets will see a saving for SHDC. Last year the costs for disposal alone was in excess of £3,000 and the coming year we were due to see an increase in that cost of 10% due to increases to LCC charges. In addition to this, we see staffing and vehicle costs for the collection of this waste which means that the cessation of this trade waste collection will save SHDC around £11,000 for 2020/21 and ensure all markets receive the same level of service regarding trade waste removal.

## 5.4 **Reputation**

- 5.4.1 The proposals take into consideration the needs of the local economy and our traders and the safety of our residents, traders and visitors to the towns, whilst weighing up the financial burdens to the council and its tax payers. Without these changes, the markets would not be in a position to re-open in the current climate. This would have a negative impact on the reputation of the council.
- 5.4.2 During this process we have worked to engage with traders as much as possible, with calls directly to them about the potential need for change to make the markets safe to re-open. We have made amendments to original proposals based on feedback and will continue to

alter alongside changes to government guidance and increases to traders and footfall traffic that may impede the social distancing requirements.

- 5.4.3 This willingness to listen, observe and alter plans for the benefit of all should further support the reputation of the council and our desire to *‘Support Spalding and Holbeach to be attractive places that people want to visit, live and work while supporting all other towns and villages in the district to meet the needs of their communities.’*

## 5.5 Risk Management

- 5.5.1 Consideration has been given to the risk surrounding the re-opening versus the remained closure of the markets. There are risks attached to both but the risk of re-opening is considered mitigated through the changes that are proposed in this report.
- 5.5.2 By ensuring that government guidance is adhered to, social distancing is established throughout all markets and supported with signage to assist all those in the markets vicinity, it is considered that the risks are mitigated to allow re-opening. Risk assessments have been reviewed as part of this.

## 5.6 Staffing

- 5.6.1 The recommendations will have an impact on staffing. Mainly the recommendation regarding the suspension of the market stall provision. Further detail regarding this is available in Appendix B.
- 5.6.2 The re-opening of the toilets has impacted staffing tasks with a focus being placed on regular cleaning. This will mean that tasks will be re-focussed to enable staff the time to undertake this enhanced cleaning regime and some staff have agreed to alter working hours to assist with cleaning during busy periods.
- 5.6.3 The proposals will also change the work undertaken by the staff supporting traders, namely the markets officer. Currently with Covid implications there has been an ongoing impact to this role. Therefore to implement this report, we will need to sufficiently staff this role in the current climate.
- 5.6.4 The recommendation to terminate the collection of trade waste will also impact those staff that undertake this task. Currently this work is completed in an overtime capacity and is paid as such. The termination of this service will therefore cease payment of overtime to these members of staff. We intend to give notice to those staff that this work, and therefore the payments, will cease.

## 5.7 Stakeholders / Constitution / Timescales

- 5.7.1 Contact with traders has been undertaken in order to consult them about potential changes that would need to be made to enable to safe re-opening of the market. The original proposals were shaped following feedback from traders. Subsequent feedback has further altered the proposals that we bring forward in this report. This has been done with ongoing discussions with the market representative.
- 5.7.2 For Long Sutton, currently there is no consensus on how we can safely and legally re-open the market as, following discussions with Highways, there would not be a favourable

outcome to a request for a road closure. Therefore timescales for this market re-opening are not currently known.

6) **WARDS/COMMUNITIES AFFECTED**

6.1 All

7) **ACRONYMS**

7.1 SHDC – South Holland District Council

7.2 NABMA – National Association of British Markets

7.3 LCC – Lincolnshire County Council

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Background papers:- None

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**Key Decision:** Y

**Exempt Decision:** Y

**This report refers to a Discretionary Service**

**Appendices attached to this report:**

Appendix A Market Options  
Appendix B Stall Provisions (EXEMPT)