

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Deputy Chief Executive (Corporate Development) & S151

**To:** Performance Monitoring Panel – 7 December 2021

**(Author:** Christine Morgan – Democratic Services Team Leader)

**Subject** Call-In (Market Consultation Outcome)

**Purpose:** To explain the background to the Call-In and the process to be followed by the Panel

### **Recommendation:**

That the Panel considers the content of this report and the supporting documentation and considers the options available to it, as detailed within section 3 of this report.

### **1.0 BACKGROUND**

- 1.1 On 26 October 2021, the Cabinet considered the report of the Portfolio Holder for Environmental Services regarding the outcome of the Market Consultation.
- 1.2 The following decisions were made by the Cabinet:
- 1) That the adoption of the Markets Regulation Handbook, following consultation from 18<sup>th</sup> June to 30<sup>th</sup> 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;
  - 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

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.

1.3 A copy of the report and the appendices considered by the Cabinet are attached

## 2.0 **CALL-IN**

2.1 In accordance with the Constitution, when a proposed decision has been made by the Cabinet, all councillors receive a copy of the decision notice. The decision notice states that the proposed decisions contained in it will come into force on the expiry of 5 working days from the date of its publication, unless the proposed decision is called in.

If a councillor wishes to call in a proposed decision, notice must be given by way of a call-in form, to the Assistant Director – Governance, and Monitoring Officer, by the expiry date shown on the decision notice.

The decision can be called-in in the following way:

- By a Ward Representative (in relation to a matter in their ward); or
- Two members of the Performance Monitoring Panel; or
- Any three members

The notice must be signed by at least one councillor (as above), and must also specify:

- The reason(s) for the call in, and

Either:

- What action the councillor(s) who made the call-in consider the decision maker should take to address those concerns

Or

- What alternative decision the councillor(s) would like to see taken.

2.2 The decision was called in by Councillors C J T H Brewis and J Tyrrell, who 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.'*

2.3 Councillors Brewis and Tyrrell consider 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).'*

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

*'Reduce charges at Long Sutton Market to match the others in the District of South Holland.'*

### 3.0 **OPTIONS**

#### 3.1 The Panel has the following options:

- 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.

### 4.0 **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.

#### 4.1 **Constitutional & Legal**

- 4.1.1 Provision for call-in is a legal and constitutional requirement. The options and process are set out in the body of the report.

#### 4.2 **Stakeholders / Constitution / Timescales**

- 4.2.1 The call-in timetable is set out in the body of the report

### 5.0 **WARDS/COMMUNITIES AFFECTED**

- 5.1 Market traders trading at Long Sutton market.

6.0 **ACRONYMS**

6.1 None.

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**Background papers:-**

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**Key Decision:** N

**Exempt Decision:** N

**Appendices attached to this report:**

Appendix Market Consultation Outcome report and appendices (covering report and Appendices A, B and C as considered at Cabinet on 26 October 2021)