

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Portfolio Holder for Environmental Services and Assistant Director - Leisure and Culture

**To:** Cabinet Tuesday, 14 December 2021

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

**Subject** Market Consultation Outcome

**Purpose:** In accordance with the decision of the Performance Monitoring Panel, to refer back to the Cabinet for further consideration the outcome of the Market Consultation.

### **Recommendation:**

That the Cabinet reconsiders its decision of 26 October 2021 in respect of the Market Consultation Outcome, having regards to the concerns of the Panel as detailed in paragraph 1.4 below.

### **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) To approve adoption of the Markets Regulation Handbook following consultation from 18th June to 30th July 2021;
- 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) To approve adoption of the new fee structure as consulted upon and approve annual review;
- 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 is noted;

7) That the current road closure in Long Sutton is 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 In accordance with the Council's Constitutional rules, the decision was called-in. The call-in notice was signed by Councillors Brewis and Tyrrell and the Performance Monitoring Panel considered the call-in at a special meeting held on Tuesday 7 December 2021.

1.4 In accordance with the Panel's procedures, those members who had called-in the decision explained their reasons and the Portfolio Holder for Environmental Services, Councillor Gambba-Jones, responded. Below is a summary of the concerns raised during the call-in meeting, together with a proposed alternative decision that the Panel asks the Cabinet to consider:

**Main issues raised:**

1. 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. This was deemed unfair and parity across all markets was called for.
2. There was concern, and some confusion, as to the different arrangements for road closures in Spalding and Long Sutton:
  - the proposed additional £1.50 fee per market stall charged to Long Sutton stallholders, which contributed towards the cost of the Traffic Management Company for the road closure, did not apply to stallholders in Spalding. Whilst a road closure was in place for Spalding, this had not involved the services of an external provider;
  - a South Holland District Council resource was in attendance at each market in Spalding to display the road closure signs but the same was not true of Long Sutton, where a contractor had been appointed; and
  - that it was considered that both of the above options represented a degree of cost to the Council and it was not considered fair that any associated cost, which had resulted from the imposed arrangements at Long Sutton, were not being met in full by the council.
3. A discussion around the health of Long Sutton market and impact on the local economy took place:
  - 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; and
  - The council had a duty to increase footfall in every town and the amount of financial support required to ensure parity was deemed negligible compared to the socio-economic benefits it would bring.

**Alternative proposal submitted by the Panel for Cabinet's consideration:**

1. A parity of charges to apply across all markets in the district;
2. Additional costs for the road closure in Long Sutton to be met by the Council's general expenditure.

1.5 The Portfolio Holder for Environmental Services, and officers responded to various issues raised:

It was stated, in response, that:

1. the stallholder charges across the district had levelled down/decreased;
2. for safety reasons, a road closure had been required at Long Sutton at a cost of £92 plus vat per week which needed to be financed. The enhanced £1.50 fee per market had contributed to between 40 and 50 per cent of the road closure cost, with the shortfall covered by the council;
3. Spalding road closures for weekly markets had been encompassed by Lincolnshire County Council's Traffic Regulation Order (TRO) and costs had not needed to be met by SHDC;
4. the personnel support for implementing the road closure for Spalding Market had been minimal as attendance at the market was already required. The displayed sign was necessary only to ensure the safety of stallholders and shoppers prior to the TRO times taking effect. Signage had been purchased by ward budgets; and
5. Environmental Services did not have the resources to set up the road closure each week in Long Sutton and so the contractor had been appointed to undertake the work safely and legally.

1.6 Further information can be provided by officers at the meeting of the Cabinet, but the Cabinet is also asked to have regard to the following when reconsidering the matter:

**2.0 OPTIONS**

2.1 The Cabinet must reconsider the matter and must take into account the concerns of the Panel before adopting a final decision, which may or may not amend the original decision. The final decision shall not be subject to call-in and may be implemented immediately, but in making the final decision the Cabinet must explain the decision in relation to the concerns raised by the Panel and such explanation must be included on the notice of the decision.

**3.0 REASONS FOR RECOMMENDATION**

3.1 To comply with the legal and constitutional requirements of call-in.

**4.0 EXPECTED BENEFITS**

4.1 Compliance with legal and constitutional requirements and a transparent decision-making process.

## 5.0 **IMPLICATIONS**

The report implications are as reported to Cabinet on 26 October 2021.

## 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All

## 7.0 **ACRONYMS**

7.1 None

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### Background papers:-

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**Key Decision:** N

**Exempt Decision:** N

**This report refers to a Mandatory Service**

#### **Appendices attached to this report:**

Appendix A PMP 7 December 2021 – Call-in covering report  
Appendix B Cabinet covering report and Appendices A, B and C – 26 October 2021  
Appendix C Cabinet minute – 26 October 2021