

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Portfolio Holder for Environmental Services

To: Cabinet Tuesday, 26 October 2021

(Author: Charlotte Paine Head of Environmental and Operational Services)

Subject Market Consultation Outcome

Purpose: To provide an analysis of the public consultation undertaken regarding the market handbook and fees and consider the options for future market provisions

Recommendation(s):

- 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.

1.0 BACKGROUND

- 1.1 South Holland has responsibility for 5 markets across 4 towns of the district. Markets are an important and historic part of our towns. Across the country they have faced many challenges over the years, including the rise of online and out of town shopping retailers, competition from unregulated car boot sales, as well as the recent Covid pandemic.

- 1.2 In order to understand how we can best support the continuation, sustainability and future of our markets, a recent public consultation into the draft market regulations handbook and proposed fees and charges, took the opportunity to engage in more detail with the people on our markets. This consultation engaged with a broad range of statutory and non-statutory stakeholders, including traders, visitors to the markets, members of the public, parish councils and local businesses. The feedback provided much needed data on who visits our markets and why, as well as what they like and would like to see improved on our markets.
- 1.3 Using this data, which is analysed in detail in appendix A, this report looks to achieve the following key outcomes;
- Approval to adopt the draft market regulations handbook
 - Approval to introduce the new fee structure
 - Approval on the recommended option for the future delivery of market services including;
 - Options for stall provision, for regular and new traders
 - Ensuring our markets offer is Equality Act 2010 compliant and have due regard to the public sector equality duty.
 - Options on how to best provide and resource the recommended option
 - Approval to maintain safe and social markets, including formally adopting the road closure at Long Sutton market
- 1.4 As a result of the pandemic, and the government guidance issued as they assessed the ongoing need, the markets of South Holland were closed on 24th March 2020 for the safety of traders and the public, in line with guidance at that time. The report to Cabinet of 16th June 2020, set out how to safely re-open markets with the most up to date guidance available. It therefore outlined the changes required to get markets trading again, whilst ensuring staff, traders and the public continued to be kept safe.
- 1.5 One of the recommendations of that report was for the market handbook to be amended in line with the recommendations set out and agreed at Cabinet. Following approval of the report, the environmental services team commenced reviewing and drafting the handbook, benchmarking it with other local authority markets and engaging with traders to assist with the shaping of the draft handbook.
- 1.6 The purpose of the market regulations handbook is to set out the matters the Council will take into account when considering and undertaking its duty to provide and manage its markets. It details the responsibilities of the council in official guidance of the policy for the Council to act in a particular way and the expectation set of the traders. As the changes to the market regulations handbook were substantial and in formative stages, following the impact of Covid, and also included changes to the fees charged to traders, it was considered appropriate to exercise fairness and permit intelligent consideration by undertaking a public consultation into the proposed changes before bringing them forward to be considered to be adopted.
- 1.7 The consultation looked to encourage open and meaningful engagement on the draft handbook and proposed fees to ensure that the final document represented the needs and responsibilities of SHDC and the traders, as well as to support the future of our markets.

Full analysis of the consultation, including how it was undertaken and what information it captured, is provided in Appendix A.

- 1.8 As a result of the consultation programme, the feedback that was received has been considered and the handbook has been further reviewed and altered in line with that feedback. The finalised version of the market regulations handbook and the proposed fees are recommended for approval. A copy of the handbook is included at Appendix B.
- 1.9 In addition to seeking views on the handbook and fees, the consultation also took the opportunity to engage regarding SHDC markets in more detail. This enabled the collection of data relating to footfall across each of the markets, information about what visitors liked about the markets, what they would like to see introduced and thoughts on specific elements in the handbook, including stalls and opening times.
- 1.10 The results of the consultation were presented to Policy Development Panel on 21st September 2021. The recommendations of this report are made following full analysis of the data collected during the 6-week consultation and discussions with members, in order to support the ongoing success and growth of SHDC markets. Having given conscientious consideration to the responses received, it is clear that the markets are valued by the community and considered to be a vital part of our towns and that our residents, visitors, businesses and members wish to see it continue and develop further. The options provided look at how best we can deliver that.

2.0 **OPTIONS**

- 2.1 **Option One – Adopt the draft market regulations handbook and proposed fees and give consideration only to the consultation responses.** Adoption of the draft handbook and proposed fees will enable the Council the power to implement the changes sought through the market regulations handbook. Without conscientious consideration to the consultation responses, the Council will not be able to grow the markets with the feedback of market stakeholders. This is not the recommended option of the report as without further investment and development on the key findings of the consultation, growth and initiatives such as pop-up stalls will be difficult to introduce, due to current levels of resource.
- 2.2 **Option Two – Invest in the future and growth of the markets including adoption of the draft handbook and proposed fees.** To approve the introduction of the market regulations handbook and proposed fees and to implement key feedback received from the consultation. This would enable growth and desirability of markets and implementation of the key findings, such as pop-up stalls, by introducing a new resource in the form of a markets manager to ensure service development and delivery. Without this post, full and conscientious consideration of the consultation and its findings would not be achievable. It is suggested that the post be introduced initially as a two-year fixed term post to trial its success and deliverables. This is the recommended option of this report.
- 2.3 **Option Three – Do nothing.** This would mean continuing as we are without adopting the handbook and fees and would mean that we do not address the responses of the consultation, lose the opportunity to grow our markets and may present risk to SHDC in non-compliance of its public sector duty.

3.0 REASONS FOR RECOMMENDATION(S)

- 3.1 The adoption of the market regulation handbook is vital to the ongoing running of our markets. It makes clear the requirements of SHDC and traders and sets out how to keep traders and the public safe whilst at our markets. The handbook required a review following the previous Cabinet report of June 2020 and the changes that have been made, in many parts, due to the pandemic. Both option one and two recommend that the handbook is adopted, though some minor wording changes may be required depending upon which option is approved. It is recommended that this would be done by the environmental services team in consultation with the portfolio holder through delegated authority.
- 3.2 The current fees do not take into account the changes that have been required since the re-opening of markets in June and July 2020. For that reason, as well as to support traders and the markets through the pandemic, there have been no fees in place since the re-opening last year. The proposed fees have been formulated with the current market provisions considered. This includes the road closure in Long Sutton and the removal of council provided stalls in Spalding markets. Therefore, both option one and two recommend the adoption of these fees, which were taken through public consultation and did not receive substantive objection.
- 3.3 The current fee structure is set in such a way that it looks to recover the costs for running the markets, though some areas are not fully recharged to traders, the road closure for example, which seeks a payment to towards the overall cost. The fees are set that they could potentially reduce if more traders stand at a market, which would reduce the cost to each trader. Therefore, it is a recommendation that the fees are reviewed each year in the same way, taking into consideration running costs and number of traders standing, and that new fees be proposed and set as part of the budget process. This would mean that the next review would take place and be ready for implementation in the 2023/24 budget fee setting approval process.
- 3.4 The fees consulted upon and recommended are shown in the table below and represent the cost per 10ft stall.

Markets	Current Charges	Proposed New Charges	Difference from Current Charges
Crowland	£5.10	£7.00	37%
Long Sutton	£5.10	£8.50	67%
Holbeach	£5.10	£7.00	37%
Spalding Sat	£19.00	£7.00	-63%
Spalding Tue	£19.00	£7.00	-63%

- 3.5 As detailed in the handbook, the new proposed charges aim to provide a simple model that aims to achieve cost recovery fairly across all markets in the district. All markets will benefit from the new proposals set out in the handbook such as;

- The Council will provide an on-hand markets team to help with any queries or issues 7.30am – 5pm Monday to Friday, with out of hours support available during other hours;
- The Council will promote the markets via SHDC website and social media channels;
- The Council will facilitate the online application process and check you have everything in place to be able to stand on our markets;
- The Council will facilitate and run the online booking system that will secure traders position on the markets;
- The Council will work with the market engagement group to ensure two-way communication with our stallholders that supports the growth of the market;
- The Council will update stallholders with any relevant Government advice or legislation;
- Long Sutton market has an additional proposed cost of £1.50 to cover a proportion of the road closure costs incurred by the council.

3.6 Option one provides no further additional support to the markets current position. It does not allow for the key information submitted by respondents as part of the public consultation process to be taken into account and utilised to better improve the SHDC markets offering, such as pop-up stalls, due to the limitations of the resource currently in place. This resource is currently split into the provision of operational support, attendance at the markets for trader support, communication and engagement and layout revision. Alongside administrative support for trader applications, bookings, general advice and correspondence and reporting requirements. As well as assistance from both officers with events such as Pumpkin celebrations. Both these officers are multidisciplinary and support other areas of the council, such as car parks and garden waste.

3.7 The Council must ensure that it is acting in compliance of the public sector duty and that it is demonstrated that decision-makers are fully aware of the impact that changes may have on stakeholders. An Equality Impact assessment has been completed as part of the public consultation process, and attached as Appendix C. This assessment identifies a number of areas that must be addressed to reduce the risk to SHDC and support all members of the community to access the service being offered. For option one, this would need to be achieved within current resource. For example, the EqIA identifies that it would be necessary for assistance to be provided for those who cannot access our online application and services, which would sit within our administrative support. It will also be necessary to aid those who have identified as requiring assistance with setting up their own stalls, which would be provided by our operational support.

3.8 Option two however, recommends that the markets are fully invested in as part of a programme to deliver the key elements that the current officers have identified, and those raised in the consultation. These key elements include such things as;

- developing the markets and their individual characters,
- increasing footfall into the town centres,
- building on successes of our markets as social hubs,
- attracting new traders,
- attracting a wider variety of stalls and commodities,
- introduction of pop-up stalls to support new businesses and younger traders,
- enhancing engagement, including through trader representatives,

- consideration of new KPI's to ensure success of the markets,
- displaying and requiring food hygiene standards.

- 3.9 The proposal of option two is that by growing on what is currently in place and adding in a market's manager post, the strategic direction and growth of markets can be realised. It would be the responsibility of that post to do this through the feedback collected by the consultation, benchmarking and learning from others, utilising bodies such as NABMA and working closer with traders and businesses to build on the markets and attract people to our towns and more traders to our markets.
- 3.10 Option two will also unlock the potential of pop-up stalls which have been a long-awaited ambition of the Council and have been seen to be desired by those who responded to the consultation. These stalls can be utilised to attract and support micro businesses, young traders, crafters and traders that want to try our markets before committing longer term. Without a dedicated resource to drive this initiative forward clearly, there is a risk of under use of the stalls or potential risks of theft, damage or harm if the risk assessments are not fully considered and implemented. Additionally, without this support to provide pop-ups, we risk being unable to offer these services to everyone, as identified in the EqIA. 88% of respondents to the public consultation wanted to see the pop-up stalls introduced, therefore this recommendation of a dedicated post, looks to suggest how SHDC can best provide this option, in the safest way and meet its public sector duty. Ensuring due regard to that duty in consideration of pop-up stall provision and erection so as meet the needs of service users and reduce inequality.
- 3.11 The Cabinet report of 16 June 2020 recommended the suspension of market stall erection and dismantling by SHDC staff. Following the implementation of this for the last 16 months, and the recent consultation which requested feedback on this practice, the recommendation of this report is to formalise the removal of this provision permanently. In making this recommendation, consideration has been given to the impact to traders that would need additional support to enable ongoing access to our services. This is addressed in the EqIA and the paragraph above as to how we would put in the support to remove any potential for inequality. The consultation feedback was that 23% of respondents agreed that traders should provide their own 'fit for purpose stall' whilst 16% disagreed and almost 40% had no response or were unsure. There were concerns raised about the potential for such a policy to potentially put traders off or impact disabled traders. All of these have been considered and the EqIA and proposal for pop-up stalls would support our efforts to ensure this would not happen as a result of the recommendation to remove the previous stall provision.
- 3.12 Following the closure of markets last year, the Long Sutton market re-opened in July 2020 with a temporary road closure agreed with Lincolnshire County Council. The last 14 months have seen the market grow from strength to strength with this road closure enabling traders to stand, with a safe distance kept for customers of both the market and local businesses. The new positioning has ensured the market has continued safely in Long Sutton and be well placed alongside local businesses to continue the tradition of the market being somewhere people go on a Friday for a social and shopping occasion. The consultation supported this by showing that Long Sutton had the highest responses for those attending to shop at the market and for socialising, with 93% and 44% respectively, providing these as the reasons for why they attend the market.

- 3.13 Having taken all of this into account, the recommendation is to continue this placement of the market and seek a permanent road closure with Lincolnshire County Council. This will enable local businesses to continue to expand and promote pavement licenses and build on the social aspects of markets whilst keeping traders and visitors safe whilst visiting the market and local businesses.
- 3.14 Within Appendix A, Section 6, we saw a number of respondents ask for additional elements to be considered for our markets. All this feedback is essential to understanding how we can better grow and develop the markets. It is the recommendation of this report that option two will look to review and address these, where appropriate and deliverable, including a better understanding of the definition of 'fit for purpose' when referencing stalls on the markets.

4.0 **EXPECTED BENEFITS**

- 4.1 Option two is the recommended option of this report as it looks to achieve the following benefits:

- Adoption of a markets regulation handbook that clearly sets out the expectations of traders and SHDC. This will ensure that traders and the public are safe when attending our markets, as well as a host of other benefits that are outlined in appendix A. It is the grounding of an improving relationship with traders as we work together to grow our markets.
- Adoption of a proposed fee structure that supports traders with a clear fee structure that will be reviewed annually and looks to encourage more traders and provides improved support in areas such as marketing.
- Compliance of the public sector duty with delivery of the mitigations highlighted in our EqIA. Ensuring that assistance is provided to those seeking to use our services, making the markets accessible and advancing equality.
- Introduction of a dedicated resource to deliver on the findings of the consultation and growth of markets. Having given conscientious consideration to the responses received through the consultation, the recommended option will provide the resource needed to deliver on the key findings detailed in Appendix A and paragraph 3.8 of this report.
- Developing on the opportunity for markets to thrive in our towns. Markets are vital to our high streets, to offering local produce to our residents and supporting our local businesses to continue to grow and thrive. Markets can help to drive more people into our towns and create social hubs which are needed now, more than ever.

- 4.2 Option two looks to deliver all of the above through the work undertaken so far and seeks to drive forward new opportunities with a dedicated resource. The data collected through the market consultation provides a great basis from which to start delivering on the aspirations of SHDC and its markets' stakeholders.

- 4.3 Option one however, would only be able to achieve the first two bullets of the above list of expected benefits.

5.0 **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.

5.1 **Carbon Footprint / Environmental Issues**

The consultation did seek views on opportunities to address potential environmental issues affecting the markets. Option two would provide resource to consider these responses further.

5.2 **Corporate Priorities**

The current corporate plan details how SHDC look to *'promote and support business growth'* and have *'attractive places that people want to visit, live and work'*. The recommended option of this report looks to achieve both of these aspirations.

5.3 **Equality and Diversity / Human Rights**

This was non-statutory public consultation compliant with the Gunning Principles. An Equality Impact Assessment has been completed and is attached to this report. The EqlA identifies a number of areas that will be addressed to reduce the risk to SHDC and support all members of the community to access the service being offered. For example, the EqlA identifies that it would be necessary for assistance to be provided for those who cannot access our online application and services, this will be offered and provided within our administrative support. It has also identified that a decision to stop erecting stalls will require SHDC to aid those who have identified as requiring assistance with setting up their own stalls. This provision will be provided by our operational support.

5.4 **Financial**

The recommendation to introduce a dedicated markets manager post, on an initial fixed term basis, will incur additional costs as this was not part of the 2021/22 budget setting process. This would be a new post and therefore the job description will require job evaluation to ensure the grading is accurate. The Job description will be created using benchmarking and understanding of the key outcomes that are identified in this report and through the consultation.

Based on the benchmarking undertaken so far, it is anticipated that this post will be graded in the region of an E (SCP 11-19). This would see costs up to £80,000 based on the highest pay and including on costs. This is subject to job evaluation and would be funded from the Investment and Growth Reserve.

5.5 **Health & Wellbeing**

Markets can support the health and wellbeing of those attending them through access to fresh and local produce in an environment that fosters social interaction in an outdoor setting. The ongoing success of our markets can look to sit alongside suitable health and wellbeing initiatives in the council.

5.6 **Reputation**

The consideration and implementation of the findings of the consultation look to support SHDC in maintaining a positive reputation regarding its markets and its willingness to invest in them and local businesses.

5.7 Risk Management

There is a risk to SHDC if it does not address the issues that have been highlighted through its EqIA and the necessary resources needed to address these. Therefore, option two is recommended to ensure that these are suitably resourced and addressed.

5.8 Staffing

Current staffing to deliver our markets is achieved through staff in multidisciplined roles across environmental services. The recommended option looks to put in place a dedicated resource to achieve a cohesive offer to markets and drive forward the findings of the consultation, engagement with traders and local businesses and support the current staffing resource. This would look to be introduced as a two-year fixed term post initially to consider if the post can be successful in delivering the growth and suggested outcomes. It is worth noting that there is the opportunity, as part of the new South East Lincolnshire Partnership, to consider if the new markets manager resource could be shared across the partnership to reduce costs.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 All

7.0 ACRONYMS

7.1 SHDC – South Holland District Council

7.2 EqIA – Equality Impact Assessment

Background papers:-

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Key Decision: N

Exempt Decision: N

This report refers to a Discretionary Service

Appendices attached to this report:

Appendix A Consultation Analysis Document

Appendix B Market Regulations Handbook

Appendix C Equality Impact Assessment