



Lichfield City Council

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Town Clerk: **Anthony D Briggs** BA (Hons) CiLCA

2 June 2021

To: Members of the Markets Working Group

Councillors J Checkland (Chair) and P McDermott, D Robertson, J Smith, C Spruce and M Warfield.

Also to:

LCC Deputy Town Clerk (Sarah Thomas)

LCC Civic Officer (Lucy Clarke)

Dear Councillor

Markets Working Group

You are invited to attend a meeting of the Markets Working Group to be held via Zoom at **10:00am on Wednesday 9 June 2021** for the transaction of the following business. Any Councillor unable to attend should forward their apologies to the Town Clerk. A link enabling members to join the meeting will be circulated separately.

Yours sincerely

Tony Briggs
Town Clerk

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATION

3. MINUTES AND MATTERS ARISING

To confirm as a correct record the Minutes of the MWG meeting held on 10 March 2021 (copy attached) [*Minutes adopted by Council on 16 March 2021*] and to consider any matters arising from those Minutes.

4. REVIEW OF MARKET RENT AND INCENTIVES

Following the MWG meeting of 2 October 2020, the review of any market rent incentives is to be a standing item on the agenda. Following the City Council meeting of 25 January 2021, the MWG has delegated authority to review the prevailing pitch/service charge rates and to vary those rates as resolved to be appropriate by the Working Group.

The easing of COVID restrictions and some pleasant spring weather – interspersed with the usual spring rain and wind - has seen a relatively good footfall on the markets. No incentives are currently in place and none are recommended at this time. The Working Group may wish to consider whether this standing item should be removed from future agendas if lockdown easing continues on 21 June.

RECOMMENDED: That the update be noted.

5. RETURN TO MARKETS POST LOCKDOWN

To consider the Civic Officer's report at **APPENDIX 1** (attached).

RECOMMENDED: That the report be noted

6. MARKET LICENCE DOCUMENTATION - AMENDMENTS

Following adoption of the new Market Terms and Conditions agreement at Council on 16 March, and prior to its release to traders, it became apparent that provision of a 10x10 pitch was implied for all markets within the document, rather than for Friday and Saturday markets only. A minor amendment was therefore inserted at point 4.1 to prevent any confusion.

A further amendment was added at point 3.6 as the original draft did not allow for trailers or refrigerated vehicles on the Square. While such vehicles are not encouraged, there are circumstances when they are needed, and the terms and conditions were therefore amended to give discretion in that regard.

In line with point 15.10 of the Terms and Conditions, these amendments are now being reported to the MWG.

RECOMMENDED: That the amendments set out above be noted.

7. SERVICE CHARGES

At the most recent meeting of the MWG it was agreed that service charges would be applied on the same basis as prior to COVID-19 (£3 per pitch on a Friday/Saturday, replacing the existing flat £5 charge per Trader, the Tuesday Market would be unaffected at £2). The Town Clerk has delayed introducing this change as explained below:

On investigation it became clear that the difference between the two charging mechanisms when applied to a socially distanced market are minimal. However, when social distancing ends, it may be that the council needs to return to 2 skip lifts per week and therefore amend the service charge accordingly. It is however notable that 'skip management' is far better now than it has been previously, with incidences of non-collapsed boxes or general careless depositing of rubbish now considerably reduced, with resulting more efficient use of the available space. It may therefore be that one skip lift per week remains sufficient.

A large part of service charge income is used to cover the cost of the skip, the difference between one lift and two therefore has a significant implication for the amount of service charge required to cover variable costs. If it becomes clear that only one lift per week is required in the long term the charging regime could remain as now (£5 per trader) and cover variable costs. If the previous £3 per pitch charge were reintroduced now, the MWG may need to consider changing the service charge again if it becomes clear that only one lift is required, potentially causing confusion amongst Traders.

The revised terms of reference document includes the ability for the previous service charge mechanism to be reintroduced with 14 days' notice.

RECOMMENDED: That the report be noted and the existing service charge of £5 per trader to remain in place at the current time. If the reintroduction of a second weekly skip lift is deemed necessary, the £3 per pitch service charge to be reintroduced as soon as reasonably practicable and in line with provision within the adopted terms of reference.

8. PROVISION OF LCC OWNED MARKET STALLS – UPDATE

At its meeting of 26 April 2021, the City Council resolved in accordance with the MWG's recommendation that LCC owned market stalls are not supplied to Lichfield General Markets for the remainder of the current five-year contract period, and that the current contract is not renewed.

Furthermore, the Council resolved that delegated authority be given to the Town Clerk in consultation with the MWG to advise the contractor of the decision, facilitate the ending of the contract and the disposal of the stalls, trailers and associated items for the best sum reasonably achievable. The Civic Officer to provide a verbal update.

RECOMMENDED: That the update be noted.

9. DATE AND TIME OF NEXT MEETING

To be decided by the Working Group.

ANY OTHER BUSINESS AT THE DISCRETION OF THE CHAIRMAN.

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Lichfield City Council

Minutes of the Meeting of the Markets Working Group (MWG) held via 'Zoom' on Wednesday 10 March 2021 at 10:00am

PRESENT: Councillors J Checkland (Chairman), P McDermott, J Smith, C Spruce and M Warfield.

IN ATTENDANCE: S Thomas (Deputy Town Clerk), A Briggs (Town Clerk), Lucy Clarke (Civic Officer).

APOLOGIES: None

31. DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATION

None

32. MINUTES OF PREVIOUS MEETING

RESOLVED: *The Minutes of the MWG meeting held on 16 December 2020 be confirmed as a correct record [Minutes received by Council on 25 January 2021].*

33. MATTERS ARISING FROM MINUTES

None.

34. REVIEW OF MARKET RENT INCENTIVES

The Working Group considered the agenda report which provided an update on the current situation regarding rental incentives and agreed no additional incentives be applied at this time.

RESOLVED: *That the report be noted.*

35. MARKET LICENCE DOCUMENTATION

Members considered the agenda report, which highlighted the Internal Auditor's recommendation that the text of LCC Market licences be updated, and the draft 'Terms and Conditions' document that was presented for consideration. The 'Terms and Conditions' document is based on CJ Events documentation but has been significantly amended to accurately reflect LCC's General markets and the Council's ownership thereof. The Working Group discussed the draft terms and amendments were agreed to the final point of Section 15 and an addition to reflect government proposals in 2020 to extend single use carrier bag charges to all businesses in Section 14. The MWG noted that there were no changes to benefits such as holidays/skip provision/access to the toilet and kitchen block etc within the draft terms.

RESOLVED: *That the report be noted.*

RECOMMENDATION TO COUNCIL: *That the draft 'Terms and Conditions' document be adopted.*

36. FUTURE RELATIONSHIP WITH CJ EVENTS

Members considered the brief agenda report, confirming that while there was no current intention to transfer the general market provision to CJ Events, a good relationship exists and opportunities for information sharing and collaborative working are being explored.

RESOLVED: *That the report be noted.*

37. DELEGATED AUTHORITY

The existing delegated authority – with the exception of that mentioned at Minute 34 above – expires on 31 March 2021. These powers include the introduction, variation and removal of rental incentives. The Working Group agreed that the existing delegated authority had worked well and that a request to Council for an extension of those powers was appropriate.

RECOMMENDATION TO COUNCIL: That existing delegated authority powers as resolved previously by Council with an expiry date of 31 March 2021 be extended until such time as the MWG is dissolved, or upon request of the MWG, or resolution of the council.

38. PRODUCERS' MARKET - APRIL

The Working Group considered the brief agenda report which sought guidance as to whether the Producers' Market should take place on Easter Sunday 2021. It has previously been the case that bookings on the Square have not been accepted on Easter Sunday. It was unanimously agreed that the event should go ahead. The Working Group emphasised that the Producers' Market had quickly established itself and had become a popular attraction, and it was believed the general public and traders alike would wish the event to go ahead. The Chairman asked that formal thanks to Cllr C Spruce be recorded, as it was at Cllr Spruce's suggestion that initial contact was made with CJ Events to develop and host the Producers' market.

RESOLVED: The Producers' Market scheduled for the first Sunday in April (Easter Sunday) to proceed as planned, and the thanks of the Working Group to Cllr Spruce be recorded.

39. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: that in accordance with Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, by reason of the confidential nature of the business next to be transacted, the public and press be excluded from the Meeting.

40. MARKET OFFICER UPDATE

The Working Group considered the Town Clerk's confidential report. While noting that the recruitment of a Markets Officer would ultimately be a matter for the City Council's Staffing Committee, the MWG agreed unanimously that current arrangements offered a good compromise between the experience and expertise of CJ Events and the benefits they bring to Lichfield's General Markets, but with LCC retaining control of those markets through its existing staff and committee structure. While not ruling out long term employment of a Markets Officer by the City Council, the MWG is keen to see how the existing provision benefits the Market operation. The Chairman requested confirmation that these arrangements would not result in the City council losing close officer and member oversight of the Markets. The Town Clerk confirmed that arrangements put in place by the City Council's Staffing Committee in 2020 provided for a close working relationship between Markets Officer/s and the Civic Officer at both an operational and strategic level.

RESOLVED: That the update be noted.

RECOMMENDATION TO COUNCIL: That the existing Market staffing provision, which is based on an agreement with CJ Events to supply Market Officers, be retained. The MWG to review the situation as lockdown eases and to make further recommendations as appropriate.

41. INSTRUCTIONS TO MARKET OFFICERS

Members considered the confidential agenda report. The MWG agreed unanimously that abuse of LCC staff, or other individuals acting on behalf of LCC, was inappropriate. The Town Clerk has instructed Markets staff to be firm but fair with Traders, and not to tolerate abuse; such actions to be pursued under the prevailing disciplinary terms of the approved Terms and Conditions document.

RESOLVED: That the report be noted

42. PROVISION OF LCC OWNED MARKET STALLS

The Working Group considered two separate points; the supply (or not) of LCC owned market stalls for the remainder of the existing contract, and secondly, an early draft report, scheduled to be presented to council in April, regarding the impending expiry of the existing market stall supply and storage contract. The MWG was unanimous in its view that the stall contract should not be extended.

RESOLVED:

- a) ***That subject to adoption by Council of the recommendation at Minute 37, the MWG extend the resolution that stalls will not be provided on LCC Markets from the current date of 31 March 2021 (that being the expiry date of the MWG's current delegated authority) to the expiry of the current supply/storage contract in November 2021.***
- b) ***The draft report that considers the expiry of the current market stall supply and storage contract be presented to Council at its April meeting, and to incorporate the views and recommendations of the MWG as discussed at the meeting.***

43. DATE AND TIME OF NEXT MEETING

Confirmed as Wednesday 9 June at 10:00am.

44. ANY OTHER BUSINESS

1. Officers confirmed that the first market where relaxation of lockdown restrictions could be applied was currently Tuesday 13 April 2021. It was likely that a rota system would be required on the Market Square for the Saturday Market due to the volume of traders who wished to attend and the need to maintain social distancing and the one-way system in line with anticipated regulations.

2. Cllr P McDermott asked that consistency be applied in the naming of the Working Group, with it sometimes being referred to as 'Markets Working Group' and other times 'Market Working Group'. It was agreed that 'Markets Working Group' was the preferred option.

3. The Civic Officer asked for clarification as to the prevailing Service Charges. Currently, as a result of lockdown, service charges are £5 on Friday and Saturday Markets, and £3 on Tuesday markets. The matter was discussed by the Working Group and it was

RESOLVED: that service charges be set on a 'per pitch' basis as was the case prior to COVID-19, the rates to be £2 per pitch for Tuesday Markets and £3 per pitch on Friday and Saturday Markets.

THERE BEING NO FURTHER BUSINESS

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 10:49am

Markets Working Group 9 June 2021: APPENDIX 1

On 18 May 2021, Dennis Wasserman who had been the City Council's Market Officer via arrangement with CJ Events, died unexpectedly at the age of 53.

In his short time working with LCC he had a big impact; he was reliable, fair, dedicated, helpful and had come to grips with the demands of Lichfield's markets with ease; processes and procedures were running very smoothly under his knowledgeable control. He was an excellent markets officer and all City council staff were looking forward to him being with us for a long time to come.

CJ Events demonstrated their professionalism once again; despite the tragic circumstances and the clear distress of CJ Events staff, they liaised closely with LCC officers and arranged temporary cover for the LCC markets function in very short order. The thoughts of the City Council are with his family at this tragic time.

RETURN TO MARKETS POST LOCKDOWN

Non-essential traders were able to return to Lichfield General Market from Tuesday 13th April 2021. Traders from all three market days were keen to return and there has been a noticeable increase in footfall. The one-way barrier system and 1 metre social distancing gap between each stall remains.

All traders stall areas were re-measured on their first day of trading to update our records and to ensure appropriate charges were being implemented. A couple of traders have disputed their size of stall as their rent had increased since they last traded. The Markets Officer has applied the same rent calculation to all traders, the calculation is based on the size of their stall display area, product to product. There have been no further issues to date.

The market has sadly lost a few traders due to poor health and retirement. We have not received any feedback either positive or negative since the announcement that pre-erected market stalls will no longer be provided, traders have embraced providing their own stalls over the last 12 months and seem very happy with the current arrangements. The Markets Officer has seen a noticeable increase in market applications and casual traders wanting to attend.

Social Media

Lichfield General Market continues to be promoted on Facebook and Twitter. The Markets Officer has joined many local groups on Facebook and is actively sharing posts on these group pages. These local groups have many thousands of followers thus increasing our target audience whilst gaining more followers to the Lichfield Markets page each week. Engagements, likes and shares has also increased, and customer feedback is positive.

Tuesday Market

The Tuesday market currently has one empty pitch available but casual bookings are being taken and we are positive that this will soon turn into a permanent trader. Average Tuesday weekly income is currently £500.

Friday Market

The Friday market has historically always been a struggle to fill but we have seen a noticeable increase in applications and casual traders wanting to attend. The Friday market currently has two empty spaces available and casual bookings are being taken, we are positive that these will also soon turn into permanent traders. Average Friday weekly income is currently £630.

Saturday Market

The Saturday market is running at full capacity with permanent traders, currently there is no availability for new or casual traders. The Saturday market remains the most popular day for new applications with traders wanting to trade. Applications are being kept on file and traders will be contacted as soon as space becomes available. Average Saturday weekly income is currently £630.

The Producers' Market

The Producers' Market has seen a noticeable increase in traders since non-essential traders were able to attend from 2nd May 2021. There were 17 stalls in attendance in April compared to 30 stalls in May. CJ's Events has confirmed that 30 stalls are currently the maximum number they can support during Covid-19 restrictions. Capacity could increase to 40 stalls once all Covid-19 restrictions are removed. Trader feedback is excellent with CJ's confirming that June is already fully booked with 30 stalls. The City Council charges CJ's Events £10 per stall making the current monthly income £300.

Market Square Bookings - Community Use - Non-Market Days

Staffordshire County Council requested use of the Market Square to host a free rapid COVID testing site in the City on Thursday 29th April. Lateral flow tests were offered to public along with demonstrations on how to complete the tests at home. Free kits were also handed out. The City Council has not charged any fees for community use of the Market Square. Feedback received from SCC proved the booking was successful - 51 tests completed and 418 kits given out on the first day. A further 8 dates have now been booked.

Additional Market Square enquiries regarding possible events within the City in 2021 have been provisionally booked and are currently awaiting Event/Licence approval from Lichfield District Council. These include a Classic Car Tour in June, a Chocolate Festival in October and also the Chamber of Trade Christmas Fayre in November.

Terms and Conditions

Following adoption by Council all Traders have now signed the new Terms and Conditions which became effective on 1 April. The overall response from Traders has been good with many appreciating the clear parameters which have now been set out. From an Officer point of view the introduction of the new T&C's has contributed to a smoother market operation as there is no room for debate or argument with the majority of traders adhering to the Market Officers instructions. All Traders are treated equally regardless of length of service or whether they are permanent or casual.

Retainer Fees

The Retainer Fee is a payment equivalent to one week's rent taken from a trader when they commit to becoming permanent. We have had many traders leave and not return in the past and as such we have this sum to cover any arrears owed. Many traders paid their retainer fee some years ago, i.e., 2003 and the amount on record no longer reflects their current weekly rent. It is thought that asking all traders to top up their existing retainer amounts to reflect their current weekly rent be the fairest system for all concerned and will bring our records up to date.

Market Layout - Post Covid Restrictions

The Markets Officer has measured the available space on Market Square to prepare for how many additional pitches can be allocated once social distancing restrictions are lifted. An additional 4 pitches can be allocated on both the Friday and Saturday which is welcome news. Plans are now fully drawn up ready to implement when required.

Unfortunately, even if we were to remove the one-way barrier system, we could not squeeze an additional row of stalls down the middle due to the increased size of trader's stall area. Our preferred method would be to allow a decent walkway down the middle of the market.