



# Lichfield City Council

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Town Clerk: **Anthony Briggs** BA (Hons), CILCA

5 January 2022

**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 Markets Officer (Hayley Howen)

LCC Deputy Town Clerk (Sarah Thomas)

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 12 January 2022** 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 6 October 2021 (copy attached) [*Minutes adopted by Council on 6 December 2021*] and to consider any matters arising from those Minutes.

**4. MARKETS UPDATE**

To consider the report at **APPENDIX 1** (attached).

**RECOMMENDED: That the report be noted**

**5. MARKET SQUARE TOILET BLOCK – RENOVATION WORKS**

Further to Minute 15 of the MWG meeting of 15 October 2021, further quotes have now been received for the proposed improvements to the Market Square toilet block, with discussion ongoing regarding exact specification. The MWG's recommendation that £3,500 be allocated from the sale income received on disposal of the stalls/trailers was

adopted at the City Council meeting of 6 December 2021. Instructions to progress this work will be issued to the contractor shortly.

**RECOMMENDED: That the update be noted.**

## 7. 2022/23 PITCH FEES – GENERAL MARKETS

The prevailing pitch fees are reviewed by Council every year during its budget setting meeting in January. The MWG is asked to make a recommendation as to whether pitch fees should be increased for 2022/23, and to recommend an amount of any such increase.

The MWG recommended no increase for 2021/22, a recommendation that was subsequently adopted by Council. As a result, no increase has occurred since pitch fees were raised by 50p per stall for 2019/20, and in 2018/19 the associated service charge was increased by £1 per stall to more correctly reflect the costs of the additional services provided.

The popularity of the market has returned with the easing of restrictions and footfall is good, however a resolution to not increase prevailing stall rents for 2022/23 would be well received by market traders and contribute towards the Council's wider aim of maintaining a thriving market presence within the City. To balance that view however, the Market generates income for the City Council, and any loss of income from the market through not raising pitch fees would have to be met from the Council's general budgets.

**RECOMMENDED: The MWG to make a recommendation to council as to whether pitch fees and/or the associated Service Charge should be increased for 2022/23, and to recommend an amount of any such increase.**

## 8. MARKET LAYOUT

As its meeting of 6 October 2021, the MWG resolved that the layout of the Market be added as an agenda item at a future meeting. The original suggested date was March, but a brief update to assist in informing future decisions is provided to this meeting following discussions with NABMA representatives.

The Working Group was keen to identify whether Street Trading would apply to stalls sited along Pool Walk on a Market Day. The assumption made by LDC to date is that relocated markets – or indeed any market not on the Square - would be subject to Street Trading. Advice was sought from Graham Wilson OBE, a noted expert on market law and a previous NABMA Chief Executive. His response to the original query and some subsequent matters that were also raised is below:

*The City Council has the powers to operate Markets. In particular Part III of the Food Act 1984 gives the Council the right to establish a new location for a Market.*

*In considering what constitutes a Market it is right to consider the legal definition which is a concourse of buyers and sellers normally comprising at least five stalls, pitches or stands.*

*These issues are relevant because Paragraph 2 (b) of the Local Government (Miscellaneous Provisions) Act 1982 makes it clear that street trading does not encompass "anything done in a market....the right to hold was acquired by virtue of a grant.....or acquired or established by virtue of an enactment or order".*

*It is therefore my view that if the Council is intending to extend its Market or relocate the Market in its entirety to new locations **in its ownership** [Town Clerk's emphasis]*

*then it is entitled to operate the Market under market powers and street trading is not appropriate.*

*It was mentioned that street trading requirements are applied in respect of individual traders [by LDC]. I can see the reason for this where a legal Market does not exist but only in these circumstances.*

*It was also mentioned that the City Council is required to observe street trading arrangements in respect of the Market it holds as part of the Christmas Lights Switch On. Assuming that this Market meets the requirements of a legal definition of a Market I do not see why it should have to comply with the street trading requirements as it clearly falls within the exception in the 1982 Act that I have quoted.*

While this represents good news for the potential extension of existing Markets to Pool Walk, an element of caution must also be added. The response above makes it clear that it is referring to other locations within LCC ownership, which is not an issue for Pool Walk, but if LCC wished to relocate to LDC pitches – for example the Christmas Market - then LDC can as landowner impose charges as it sees fit. Further developments on LDC's Street Trading policy are also awaited.

***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 CHAIR**

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## Lichfield City Council

### Minutes of the Meeting of the Markets Working Group (MWG) held via Zoom on Wednesday 6 October 2021 at 10:00am

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

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

**APOLOGIES:** None

#### 11. DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATION

Councillor M Warfield declared a prejudicial interest in agenda item 7 (Bower Committee – Request for use of Market Square 2022) and left the meeting at that point.

#### 12. MINUTES OF PREVIOUS MEETING

**RESOLVED:** *The Minutes of the MWG meeting held on 9 June 2021 be confirmed as a correct record [Minutes received by Council on 14 June 2021].*

#### 13. MATTERS ARISING FROM MINUTES

None

#### 14. MARKETS UPDATE

Members considered the Civic Officer's report. It was agreed that market layout should be reviewed at a future meeting in light of the relaxation of COVID restrictions and the potential for the addition of more stalls to the Square; it was suggested such a review take place in Spring 2022.

The Working Group was keen to explore the possibility of extending the market to Pool Walk and understanding the street trading implications of such an extension; the Town Clerk to contact LDC for clarification and report back to the Working Group in due course.

**RESOLVED:** *That the report be noted.*

#### 15. LCC OWNED MARKET STALLS/MARKET SQUARE TOILET BLOCK

Members considered the agenda report confirming the sale and collection of LCC owned stalls and trailers. The report contained options for the allocation of some of the income from the sale to fund improvements to the Market Square toilet block. It was agreed that the priority items listed within the report should be addressed and further quotes sought for this work.

**RESOLVED:** *That the report be noted.*

**RECOMMENDATION TO COUNCIL:** *That approximately £3,500 of the income received from the sale of the market stalls/trailers be set aside for priority work to the Market Square toilet block, namely two replacement stainless steel toilets, urinal and the provision of an outside tap. Officers to obtain further quotations and progress the matter as soon as is practicable.*

#### 16. POOL WALK HIRE

Members considered the Town Clerk's agenda report and accompanying plan which set out proposals for the hire of Pool Walk, a template layout and the reasons for the progression of this matter.

## **RECOMMENDATION TO COUNCIL:**

**1) That the draft Pool Walk layout plan (previously circulated) be accepted as being the basic layout for the area, but with the proviso that minor amendments can be agreed by LCC officers to accommodate hirer requirements; such amendments to be approved by the Town Clerk or Deputy Town Clerk.**

**2) That a charging regime be introduced as follows:**

- Hire of the whole open space – a charge of £10 per 10x10 (or approximate equivalent) pitch, subject to a minimum of £100.00**
- Hire of an individual 10x10 (or approximate equivalent) pitch within the open space charged at £15.00, £10.00 for charities**
- Delegated authority be given to the Markets Working Group to vary the charging regime for City Council events (e.g. Christmas Market)**

## **17. BOWER COMMITTEE – REQUEST FOR USE OF MARKET SQUARE 2022**

Members considered the Town Clerk's agenda report which set out the Bower requirements for 2022, namely the change in normal Bower weekend dates that would result in the (usually cancelled/relocated) Friday market taking place as normal, but the Tuesday market (which would normally take place), being cancelled/relocated. The requested dates are Friday 3, Saturday 4 and Sunday 5 June 2022.

The request would also result in the scheduled Producers Market not taking place on the Square on the Sunday, but discussions are underway with the Bower Committee and CJ's Events regarding the potential relocation of the Producers Market into Beacon Park for the Bower event.

***RESOLVED: That the Working Group supports the Bower Committee's request and a response to that effect be passed to the Bower Committee. The Working Group to be updated regarding the relocation of the Producers Market to Beacon Park for Sunday 5 June 2022 in due course.***

## **18. DATE AND TIME OF NEXT MEETING**

Confirmed as Wednesday 12 January 2022 at 10.00am via Zoom.

## **19. ANY OTHER BUSINESS**

The Chair raised several points:

1. History of longstanding traders – The Civic Officer confirmed that questionnaires had been circulated to long standing traders asking for stall history with the aim of using that information for publicity purposes. Unfortunately, no response had been received from traders at the time of the meeting.
2. Christmas Market – The Deputy Town Clerk confirmed a site meeting was scheduled with CJ's Events and that demand had been high. Confirmation still awaited from Three Spires Shopping Centre regarding use of the precinct. Following further discussion it was agreed that the Deputy Town Clerk would investigate the possibility of utilising vacant units for additional stall provision.
3. Civic Officer's workload due to involvement with Market function – both the Civic Officer and Town Clerk confirmed the additional workload remained under review, but was manageable at this time.
4. Christmas General Market arrangements – with Christmas falling across a weekend, the Chair enquired as to extra trading days and arrangements for the proceeding days. The Civic Officer confirmed that traders would be consulted in due course and arrangements confirmed thereafter.

**THERE BEING NO FURTHER BUSINESS**

**THE CHAIR DECLARED THE MEETING CLOSED AT 10:47am**

# Markets Working Group 12 January 2022: APPENDIX 1

## **MARKETS UPDATE**

In the absence of the Civic Officer since October, and with other staff shortages and event pressures, the promotion of the market was lacklustre during November and early December. However, the recruitment of a new Markets Officer, Hayley Howen, who began employment with LCC on 3 December, has meant that publicity has now returned to more acceptable levels with a number of new channels identified on Facebook.

Hayley benefitted from an overlap period, working with now former Markets Officer Steve Harris, who was seconded from CJ's Events and ceased working for them on 31 December 2021. This overlap has proven invaluable, giving Hayley not only experience of the Market systems and arrangements that are in place, but also of the regular traders and many of the issues that arise during the typical operation of the market. Hayley has learned quickly and is a valuable addition to LCC's staff.

The Town Clerk takes this opportunity to both welcome Hayley and to record his thanks to Steve Harris for his work at LCC; Steve was reliable, sensible, firm but fair and would not be swayed – all essential qualities in a Markets Officer; Steve's role in the improvement and streamlining of the Markets function, and the establishment of a more appropriate relationship with Traders over the past 12 months or so should not be underestimated.

### **Social Media**

Lichfield General Market continues to be promoted on Facebook and Twitter. The Markets Officer has begun promoting the traders and their sale items. We have had good feedback and have ideas for the new year to continue this. The Markets Officer has also posted information onto local groups, Darwin Park, Streetly, Boley Park and Lichfield community page.

### **Tuesday Market**

The Tuesday market currently has two pitches available, We have had casual traders that have been filling the spaces over the festive period. There is another application in for ladies' fashion clothes stall, however we are waiting for her insurance documents to proceed.

### **Friday Market**

The Friday market currently still has two pitches available. We will be looking into this in the new year as the pies and pastie stall from the producers' market has asked if we have capacity and the forms have been sent over for completion.

### **Saturday Market**

The Saturday market continues to operate at full capacity.

### **General Market**

Applications and enquiries continue to be received each week with trader's applications/details kept on file for future use. Many applications are received from traders wanting to sell goods that are already sold on our markets, duplication of items on such a small market is not encouraged. Saturday continues to be the most requested day for market applications.

### **The Producers' Market**

The Producers' Market continues to prove successful each month with up to 30 stalls in attendance. A review of the number of stalls in operation is due to take place in early 2022. CJ's Events are mindful that customers still expect/appreciate the large middle aisle currently in use giving more space for customers to shop.

### **Market Square Bookings - Community Use - Non-Market Days**

Staffordshire County Council continue to use the Market Square to host free rapid COVID testing, this is continuing into January with them booking another month on the square. We have also had enquiries from various charities and looking forward to welcoming the World Wildlife Fund in mid-January 2022

### **Market Layout - Covid Restrictions - Update**

The market continues to operate with the large middle aisle walkway for customers to shop and one-metre gap between each stall. The one-way system has been removed. Hand sanitisers remain in place at either end of the market. This is subject to regular review in light of government guidelines etc.