



Lichfield City Council

Donegal House, Bore Street, Lichfield, Staffordshire, WS13 6LU

Tel: (01543) 250011 e-mail: townclerk@lichfield.gov.uk

Town Clerk: Anthony Briggs BA (Hons), CILCA

19 October 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 26 October 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. The link is also available to members of the public on request to the Deputy Town Clerk (sarah.thomas@lichfield.gov.uk).

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 20 July 2022 (copy attached) [*Minutes adopted by Council on 25 July 2022*] and to consider any matters arising from those Minutes.

4. MARKETS UPDATE

To consider the Market Officer's report at **APPENDIX 1** (attached). A verbal update on the scheduled Vegan Market on 23 October will be provided at the meeting.

RECOMMENDED: That the report be noted

5. **ADVERTISING AT LCC BUS SHELTERS**

The possibility of advertising LCC Markets on bus shelters coincided with a wider project to overhaul those shelters; this project is now all but complete.

There have been several 'markets' posters in the past, most recent ones being the professionally designed 'General Markets' poster (2015), and a poster designed for bus and train station advertising and being in keeping with the 'Visit Lichfield' branding (2019). These, together with a third (new) design which moves away from showing photos of the actual market and incorporates more of the products available, are presented for consideration at **APPENDIX 2**.

RECOMMENDED: *The MWG to express a preference as to poster design and content.*

6. **MARKET SQUARE TOILET BLOCK IMPROVEMENTS**

Following delays caused by supply issues, the new urinal was installed in September 2022, a few weeks after the outside tap was installed. This completes the programmed improvements to the toilet block.

RECOMMENDED: *The report be noted.*

7. **CASUAL TRADERS**

For many years the Council has allowed 'casual' traders to trade on the City's Markets for a period of four weeks to allow them to test whether they wish to trade on a more permanent basis. Casual Traders do not pay arrears if they do not attend, but equally they do not have a set pitch location from which they can sell their goods – a key desire for many traders. As casual traders are not formally licenced, they do not enjoy other benefits such as holidays or surety of pitch provision – if there is no space for them then they will not stand.

While it is good to have permanent, licenced traders – it shows a reciprocal commitment to them and to the Market – it does mean that some traders who would like to trade occasionally as casuals are unable to do so. This has been particularly noticeable during the first half 2022/23 as there have been significant absences by some permanent traders due to medical treatments, COVID, family bereavement and other serious matters. It has been difficult to find casual traders who would be willing to fill those spaces, in part because such traders do not wish to be permanent. The result is a market with several vacant pitches, despite the fact those pitches are actually allocated to permanent traders.

One potential solution is to allow casual traders to trade without the need to become permanent after a set number of trading days. If LCC were to do this however, those permanent, licenced traders would (rightly) suggest they are being unfairly treated despite their loyalty to the market; for example they would be required to pay arrears but the casual traders would not. It would quickly follow that currently licenced traders opt to not renew licences and the markets would suffer as a result.

A potential alternative is to allow casual traders to continue to trade after the time at which they would normally be required to become permanent traders, but to charge extra for a pitch due to their unlicenced status. This could for example be an uplift of 20% on prevailing pitch fees. This pricing structure would allow casual traders to return to the Market as often as they wish without becoming permanent and may allow for the Markets Officer to more easily fill any gaps on the Square left by permanent traders, and indeed any casual places that may be available. Discussions with Traders reveal that a similar uplift for casual traders is in place at some other markets. Other potential benefits include:

- The possibility of an associated 'buddy scheme' where permanent traders could directly advise casual traders of their intention to not stand

- Assist both permanent and casual traders who are bound by the weather conditions, for example the ink cartridge stall does not wish to trade in the extreme heat, the cards stall does not wish to trade in wet weather (both for reason of spoiling goods and both permanent traders).

One downside of the proposal is the creation of a two-tier fee structure, with the markets officer on duty being responsible for remembering who is permanent and who is casual; while this should not be too onerous, careful records would need to be kept to ensure the City Council could demonstrate the varying charges are applied appropriately.

The proposal would also likely attract criticism from those who believe they do not benefit from it, those who feel the additional requirements go too far, and those who feel they do not go far enough. The alternative – do nothing – would lead to continuation of the criticism received currently.

An alternative option could be to increase the number of trading days that a casual trader can stand per year, perhaps making that amount an annual allowance. A specific licence could be created for this. Care would need to be taken though to not dilute the benefit of being a permanent trader.

If such a change were introduced it is recommended that it applies for a trial period, with feedback from traders and officers being provided to the MWG for further consideration/amendment.

RECOMMENDED: The MWG to consider whether or not it wishes to vary the current arrangements for casual traders on a trial basis, notably whether it wishes the pitch fees for casual traders to be increased by a set percentage after they have completed their usual four-week period on the Market. Such a change to be for a trial period only with the MWG to consider feedback from the trial at a subsequent meeting.

8. PERMANENT TRADERS – NON-ATTENDANCE

Linked to agenda item 7 above, there has been an increase in the number of permanent traders not attending markets and not advising in good time of their intention to be absent. For example, on Friday 30 September only six traders attended the market, nine did not attend and of those nine only three gave prior notice of their decision. Traders cited bad weather as the reason for non-attendance. The forecast was for high winds in the afternoon, but the majority of the trading day was forecast to be relatively calm.

Members will be aware of several occasions when LCC has been criticised for the emptiness of the market, but when permanent traders do not attend and do not give notice of that attendance, it is very difficult to find casual traders to take the available pitches. It is of course the Council that is criticised – not least by traders – when the market appears empty, but the reality is the issue is at least in part the fault of some traders themselves.

Currently, Traders Licences state the following:

Non-attendance - where there are 4 consecutive absences by a trader, and explanations provided for such absences are not considered acceptable by the Operator, termination of stall/pitch will be considered.

As referenced in item 7 above, there are some traders who do not wish to trade in certain conditions for reasons of potential spoiling of goods, and this needs to be taken into account. However, it is not for officers to second guess whether a permanent trader is attending – they should provide appropriate notice.

Currently, permanent traders can lose their licence if they do not attend for four consecutive weeks, but this extended absence is very rare indeed unless a serious issue has arisen, such an issue likely resulting in the Council taking a sympathetic approach.

The MWG is asked to consider whether a minimum period of notification for non-attendance should be introduced, with a penalty for not advising within that timescale (unless the reason for non-attendance is a serious matter that would ordinarily lead to no arrears being charged).

One suggestion is that a trader must give at least 24 hours notice of non-attendance. Failing to provide due notification could be linked to the existing disciplinary procedure, with (for example) one failure attracting a 'reminder' letter, two failures resulting in a verbal warning, three failures a written warning etc. The MWG is asked to discuss this and any other suggestions for sanction.

This is particularly an issue on the Saturday Market which is currently at capacity – if traders give good notice of an intention not to attend then greater opportunity exists to fill their pitch, and by extension to cover the arrears that would be payable. This issue is also more prevalent in the winter months due to poor weather or concerns that products for sale may be damaged by the inclement weather.

The MWG is asked to note that such a change in licence conditions should be implemented on signing of new licences in March 2023.

RECOMMENDED: The MWG to consider a minimum period for notification of non-attendance, with discussion as to appropriate sanction for those traders who do not comply with that notice period. The MWG may wish to make a recommendation to Council regarding any consultation with traders and/or trial period for this initiative.

9. CHRISTMAS MARKETS

Previous advice from LDC has stated that the City Council can create Markets for regular 'market' events. The City Council has done this previously for the Farmers' Market, Producers' Market and more recently the Vegan Market.

The City Council also holds a Christmas Market to coincide with the 'switch-on' event in November of each year. For 2022, this is a designated 'special event' rather than a Market, and some Street Trading is therefore payable. However, there has been a significant interest in the event for 2022, notably as a result of the use of Pool Walk (the Market Square being utilised for the Switch-on stage) which may lead to the event being larger in the future. The MWG is asked to consider making a recommendation to Council that an annual Christmas Market be formally created.

RECOMMENDED: The MWG to make a recommendation that, utilising its powers under the Food Act Part III, the City Council create a Christmas Market to take place along Pool Walk and surrounding areas of the City Centre as appropriate, to take place on any given date/s between the 20th and 30th November each year to coincide with the Christmas Lights 'Switch-On' event.

10. MARKET SQUARE CHARGES 2023/24

To consider a recommendation to Council regarding any changes to pitch fees and Service Charge relating to the Markets function. The current charges are set out at **APPENDIX 3**.

Separate from pitch fees, analysis of the *Service Charge* – the purpose of which is to cover variable costs only – shows that the current level remains appropriate and no changes are recommended for 2023/24 at this time.

The City Council will make its decision on 2023/24 Market charges at its January 2023 meeting, the MWG being asked to provide its recommendation at this time to both inform Council and assist with the process of compiling the draft budget.

RECOMMENDED: The MWG to discuss the current pricing structure, agree any changes it would wish to make for 2023/24 and make a corresponding recommendation to Council.

11. MARKETS OFFICER RECRUITMENT

To note the ongoing recruitment to the Markets Officer role following the Town Clerk's email of 11 October 2022. The Deputy Town Clerk to provide a verbal update.

12. DATE AND TIME OF NEXT MEETING

To be decided by the Working Group. The Working Group has previously expressed a preference for meetings to take place via 'Zoom'.

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 20 July 2022 at 10:00am

PRESENT: Councillors P McDermott (Deputy Chair, in the Chair), D Robertson, J Smith, C Spruce and M Warfield.

IN ATTENDANCE: S Thomas (Deputy Town Clerk), Hayley Howen (Markets Officer).

APOLOGIES: Councillor J Checkland, A Briggs (Town Clerk).

1. DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATION

None.

2. MINUTES OF PREVIOUS MEETING

RESOLVED: *The Minutes of the MWG meeting held on 6 April 2022 be confirmed as a correct record [Minutes received by Council on 20 April 2022].*

3. MATTERS ARISING FROM MINUTES

Councillor McDermott enquired about the progress of the new urinal and outside tap in the market square toilet block. Officers confirmed further quotations had been sought and this was being progressed.

4. MARKETS UPDATE & JUBILEE WEEKEND REPORT

The Working Party discussed the Markets Officer's report at agenda appendix 1. Councillor Spruce commented that the Jubilee market was a lovely and innovative event and would encourage similar such events on Pool Walk. Councillor Robertson enquired if the success of the event had made the general market traders more amenable to relocating to Pool Walk when the Market square was unavailable. The Markets Officer confirmed that discussions had taken place with traders explaining the benefits.

RESOLVED: *That the report be noted.*

5. VEGAN MARKET

Members considered the agenda report detailing the dialogue between LCC Officers and the Vegan market Company regarding the possibility of Vegan Market events during the latter part of 2022.

Due to various other events on the square and the availability of the Vegan Market Company the proposed dates to create a market are Sunday 23 October, Sunday 13 November and Sunday 11 December 2022. Members attention was drawn to the 13 November also being Remembrance Sunday and the appropriateness of a market taking place. Upon discussion it was agreed that the market should continue on the understanding that all Traders observe the 2 minutes silence at 11.00am as part of the National Act of Remembrance.

RECOMMENDATION TO COUNCIL: *Utilising the Powers available to LCC under the Food Act Part III, Markets be created on 23 October 2022, 13 November 2022, and 11 December 2022 to facilitate the first three Vegan Markets in the City. The Markets to take place on the Market Square and/or Pool Walk.*

6. ADVERTISING AT LCC BUS SHELTERS

Members considered the agenda report. Officers confirmed that discussions with contractors are ongoing and the MWG would be updated accordingly.

RESOLVED: *That the report be noted*

7. TRADER ELECTRICITY PROVISION – ADDITIONAL ELECTRICAL ITEMS

The implications of increased electricity costs were discussed by the Working Party, noting that the Council should not subsidise a benefit that is subject to VAT, and it should therefore take action as a result of these increased costs.

Councillor Spruce noted that the cost of electricity for individual appliances used by Traders had not been increased for a considerable amount of time and mindful of the predicted increase in price cap in the autumn suggested an increase of more than £1.00

It was proposed by Councillor Warfield and seconded by Councillor Spruce that the cost of electricity charges for individual appliances therefore be raised from £1 per appliance to £2.50 per appliance

It was agreed that the wider 'Service Charge' be reviewed later in 2022 when the implications of other likely costs/savings on the overall charges subject to VAT would be clearer [the prevailing market pitch fees and service charge are discussed annually by Council at its January meeting]

RECOMMENDATION TO COUNCIL: That the cost of electricity for individual appliances be increased from £1 (VAT inclusive) per day to £2.50 (VAT inclusive) per day as a result of the increase in electricity costs payable by the Council. The increase to take effect from 1 August 2022.

8. DATE AND TIME OF NEXT MEETING

Confirmed as Wednesday 26 October 2022 at 10.00am via Zoom

**THERE BEING NO FURTHER BUSINESS
THE CHAIR DECLARED THE MEETING CLOSED AT 10:32am**

Markets Working Group 26 October 2022: APPENDIX 1

MARKETS UPDATE – Hayley Howen, Markets Officer

Community Day – The first date was cancelled due to Her Majesty's passing. Then progressed to 5th of October with 9 charities and community support able to attend. Unfortunately, the weather turned for the worse and saw only four attend. The town was very quiet as it was wet and windy, and they decided to call it by 1pm. However, are interested in more events of this nature in the future which we are looking from next April.

Vegan market they are all set to attend on the 23rd of October 2022. Around 30 stalls are being placed on the square. The advertising is going well through social media and shared around local pages. Also advertised around the square and in the poster boards With the Vegan society of Lichfield approached by the organisers. There seems to be a huge following in Lichfield and look forward to sharing some photographs with you all.

Christmas Market – Have already started getting bookings for the Christmas Market with lots of different stalls. This is subject to street trading licence that the link to obtain this has not been in use for a few weeks, however licencing is working to get this corrected. The social mediums used asking for stall holders have been very busy and I trust we will see a repeat of the successful Jubilee Market.

Social Media

Social Media continues to be a strong forum to connect to the public and this has continued over the summer months with advertising of new stalls and their wares.

Tuesday Market

The coffee stall is going well and is enjoyed by the early birds of the city and Justin the proprietor has commented that he has already got his regulars. Justin uses ego friendly cups with lids which are very stylish as well as being eco-friendly. He also has his 5-star food hygiene rating and does some fabulous 'on the go' thick bacon cobs. The Tuesday Market does require a few more traders that are different to traders already standing to give some diversity which the market officer is working on.

Friday Market

The Friday market only sees the two spaces left which can be one space, after various casuals we are now seeking something more permanent moving into the winter period. The Friday market with various bank holidays and trader holidays has seen the square not at capacity however with us coming out of the summer season the usual traders will be back and we will be at near capacity, Atterbury Inspiration is one of our casuals who has attended the jubilee and food festival and is looking to be on the market every two weeks through the autumn and winter season. His home furnishings have been very popular, and stall is an eye catching one on the square.

Saturday Market

The most popular day on the market with most weeks at capacity, with all holiday seasons the traders have taken holiday. Some Saturdays saw some of the casuals and other day traders attend. This is what we will carry on in the future as it's the most sought-after day.

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 Toilet block urinal and water tap is in place and welcomed by the traders.

The Producers' Market

The producer's market is very popular in Lichfield and is well attended every month. The city enjoys the vibrance and different wares to the regular market. Each month we are asked if certain traders will be attending. Look out for the new Vegan market that will be on the market square 23rd of October 2022.

Market Square Bookings - Community Use - Non-Market Days

Non-Market days sees Ian Newey with his eco-friendly ice cream van and John Madden with his chip van. The ice cream van will be making an appearance at pool walk regular on market days in September with his delicious ice-creams.

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 considering government guidelines etc. This could now be reviewed with potential of more Saturday spaces as we have come out of restrictions. The potential for two extra stalls if we keep the large walkway in the centre.

Example 1 - 2015 poster

LICHFIELD MARKET SQUARE

GENERAL MARKET

Tuesday, Friday and Saturday
9am – 4pm
Market Charter Since 1153

Fruit & Vegetables, Plants, Fresh Fish, Leather Goods, CD's, Ladies & Gents Clothing, Jewellery, Pet Food, Confectionery and much more...

Contact Lichfield City Council: 01543 309853 / 07970 861570
Website: www.lichfield.gov.uk | Email: markets@lichfield.gov.uk
Twitter: @lichfield_cc

Example 2 – 2019 Train Station Advertising Poster – lacks Facebook/Twitter details

Discover

**LICHFIELD
MARKET**

ON THE SQUARE

MARKET CHARTER SINCE 1153

TUESDAY, FRIDAY & SATURDAY 9AM - 4PM

 your local market

 LICHFIELD CITY COUNCIL
www.lichfield.gov.uk
01543 250011

 VISIT LICHFIELD

Example 3 – New design reflecting products sold on the Market

**LICHFIELD
MARKET
SQUARE**

General
MARKET

Fruit & Vegetables, Plants, Fresh Fish,
Leather Goods, CD'S, Pet Food,
Ladies & Gents Clothing,
Jewellery, Confectionary, Birthday Cards,
Street Food Vendors and much more...

**Tuesday, Friday and Saturday
9am - 5pm**

Contact Lichfield City Council:
01543 309853 / 07970 861570
Website: www.lichfield.gov.uk
Email: markets@lichfield.gov.uk
Twitter: @lichfield_cc

Markets Working Group 26 October 2022: APPENDIX 3

MARKET SQUARE CHARGES 2022/23

1. Market Square Rents/Pitch Fees – General Markets

	Pitch Fee 10' x 10' (£)	Service Charge inc VAT (£)	Total Charge (£)
Tuesday Market	18.14	2.00*	20.14
Friday Market	18.14	5.00*	23.14
Saturday Market	18.14	5.00*	23.14

Additional Charges: Electricity (per appliance): £2.50 (inc VAT)
Parking: £2.50

2. Market Square – Commercial Hire

Type of Hire	Cost (£)
Private/commercial whole square	200.00
Private/commercial half square	150.00
Private/Commercial promoting public services	55.00
Voluntary/charitable organisations for fundraising events	10.00
Large Commercial Event (plus £500/day deposit)	400.00
Private/Commercial daily pitch fee per Vehicle	25.00

Additional charge of £20 per stall when part or all of the square is to be sub-let by hirer to more than two stallholders (the first two sub-lets being included in the relevant commercial hire rate set out above).

3. Pool Walk – Commercial Hire (based on approved stall layout)

Type of Hire	Cost (£)
Hire of the whole open space per 10'x10' (or approximate equivalent) pitch, <u>subject to a minimum of £100.00</u>	10.00
Hire of an individual 10'x10' (or approximate equivalent) pitch within the open space - Commercial	15.00
Hire of an individual 10'x10' (or approximate equivalent) pitch within the open space - Charities	10.00

Delegated authority to MWG to vary layout/charging regime for LCC events (e.g. Christmas Market).

*analysis for year to date suggests the Service Charge level is appropriate to cover variable costs