

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

4 January 2023

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 (Clive Read)

Office Administrator (Michelle Read)

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 11 January 2023** 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 Town Clerk (Tony.briggs@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 26 October 2022 (copy attached) [*Minutes adopted by Council on 12 December 2022*] and to consider any matters arising from those Minutes.

4. MARKETS UPDATE

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

RECOMMENDED: That the report be noted

5. ADVERTISING AT LCC BUS SHELTERS

Further to discussions at the October 2022 meeting of this Working Group, an additional colourway of the preferred design with a clearer font has been produced for

consideration. The revised design and the MWG's original preference from its October meeting were circulated to the Working Group on 1 December 2022, with a request for two of the designs to be combined being received thereafter. This was circulated prior to Christmas and responses received were positive. The MWG is now asked to formalise its views in readiness for an order to be placed. The current preferred design is included at **APPENDIX 2**.

RECOMMENDED: The MWG to confirm its approval of the draft Markets poster (as amended).

6. NABMA SURVEY 2022

On 7 December 2022 the Town Clerk circulated the latest NABMA survey to MWG members. Headlines from the survey are:

- Whilst some markets continue to operate successfully, stall occupancy (the percentage of stalls rented out to traders) has fallen from an average of 77% in 2018 to 72% in 2022. This needs to be viewed in context, as many markets have also reduced their overall capacity over this period too, demonstrating there has been a substantial reduction in the number of traders on markets.
- In 2009, it was estimated that the number of market traders stood at around 46,000. By 2018, this number had dropped to approximately 32,000. The 2022 occupancy figures suggest a further reduction.
- only 8% of traders are aged under 40, which would suggest that markets may have a problem in terms of occupancy in the coming years, as older & more experienced traders retire from the trade.
- Most markets are still operated by Local Authorities, with 84% of markets being run by councils, with a major element of these being Town & Parish Councils.
- Only 40% of markets reporting a financial surplus, a significant decline since 2018. Whilst markets are still recovering from the impacts of the COVID pandemic, this reduction in "profitable" market operations is a trend of great concern to NABMA, particularly with the substantial pressures on Local Authority finances and priorities.

The survey is included as an **ENCLOSURE** to this agenda.

RECOMMENDED: That the report be noted.

7. 2023/24 MARKET CHARGES

To consider the Town Clerk's report at **APPENDIX 3** (attached).

RECOMMENDED: Following consideration of Trader representations, the MWG to formalise its position on 2023/24 pitch fees and associated charges and make a corresponding recommendation to Council.

8. CASUAL TRADERS

Following consideration of a report at its meeting of 26 October 2022, this Working Group made the following recommendation to Council:

- a) the casual trading policy be amended to increase the number of times a casual can stand from four occasions in total to six occasions per year.***
- b) a 10% uplift be applied to all casual pitch fees for a trial period. [in addition to any annual increase to be agreed by Council]***

- c) *the change in policy to be applied for a trial period from 16 December to 6 March 2023*
- d) *the MWG to review the change in policy after the trial period and report back to March 2023 Council in readiness for permanent implementation on 1 April 2023*

The recommendations were duly adopted by Council at its meeting of 12 December 2022. There has been little feedback from Traders on this proposal at the time of compiling this agenda, an update may be available at the meeting.

RECOMMENDED: *That the update be noted.*

9. PERMANENT TRADERS – NON-ATTENDANCE

To consider the Town Clerk's report at **APPENDIX 4** (attached).

RECOMMENDED: *The MWG to consider the appropriateness of, and implications of, the proposed 'double pitch fee' penalty for non-attendance and agree mitigation measures and/or exceptions (if any) that it wishes to include, prior to traders being made formally aware of any agreed proposal.*

10. VEGAN MARKET

Following three successful trial markets, the Vegan Market Company has asked that consideration be given to the hosting of six Vegan Markets during 2023 on the dates listed below. All are the third Sunday of the month with the exception of 10 December, which is proposed to coincide with the Food Festival.

- Sunday 19th March 2023
- Sunday 21st May 2023
- Sunday 16th July 2023
- Sunday 17th September 2023
- Sunday 15th October 2023
- Sunday 10th December 2023

It is proposed that a contract be entered into in order that these Markets can be provided, and that the terms of the contract broadly reflect those already in place with CJ's Events for the Producers Market – those terms being reproduced for the three trial Vegan Markets carried held in 2022.

The MWG is asked to make a recommendation to Council that, utilising its powers under the Food Act Part III, the City Council creates a market to take place on each of the dates requested above, and that the City Council enters into appropriate contractual arrangements to provide these markets

RECOMMENDED: *The MWG to consider the appropriateness of six Vegan markets during 2023 based on the dates above and a contract reflecting that already in place with CJ's Events, and to make a corresponding recommendation to Council.*

11. CITY CENTRE PEDESTRIANISATION

As reported to Council on 12 December 2022, Lichfield District Council began an 18-month pedestrianisation pilot of the City Centre on 1 January 2023. The trial aims to provide the much-needed feedback from a practical implementation of pedestrianisation, allowing the overall feasibility to be assessed during the trial period and next steps taken as appropriate thereafter.

Blue badge parking bays will be provided in car parks at Bird Street and Lombard Street, with drivers also able to park for free in other council-run car parks if they display their badge.

The Town Clerk has been in regular communication with District Council officers regarding this trial, notably regarding arrangements for Market Traders, with LDC agreeing that LCC can administer the scheme for traders by issuing permits etc. This process is ongoing, but through the efforts of the Office Administrator and Markets Officer, the permits have now been collated and circulated to regular traders. Discussions with the Vegan Market Company and CJ's Events regarding provision for their traders is ongoing.

RECOMMENDED: That the report be noted.

12. BODY CAMERAS

Following reports of increased unacceptable behaviour from Traders towards the Markets Officer, it was felt that the Council as an employer had a duty of care to protect its employees. This Working Group requested that the new Markets Officer be equipped with a body camera in order to discourage and record such unacceptable behaviour.

These cameras have now been purchased and issued. Market Traders were advised of this development in the letter referred to earlier in this agenda that followed the adoption by Council of the minutes of the previous meeting of this Working Group.

RECOMMENDED: That the update be noted

13. DATE AND TIME OF NEXT MEETING

Previously agreed as 1 March 2023 at 10.00am via Zoom.

ANY OTHER BUSINESS AT THE DISCRETION OF THE CHAIR

* * *

Lichfield City Council

Minutes of the Meeting of the Markets Working Group (MWG) held via Zoom on Wednesday 26 October 2022 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), Michelle Read (Office Administrator)

APOLOGIES: A Briggs (Town Clerk), H Howen (Markets Officer)

9. DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATION

None.

10. MINUTES OF PREVIOUS MEETING

RESOLVED: *The Minutes of the MWG meeting held on 20 July 2022 be confirmed as a correct record [Minutes received by Council on 25 July 2022].*

11. MATTERS ARISING FROM MINUTES

None

12. MARKETS UPDATE

The Working Party discussed the Markets Officer's report at agenda Appendix 1. Councillor J Smith mentioned that it looked like there were more than two vacant pitches on the Friday Market. In the absence of the Markets Officer the Deputy Town Clerk informed members that there were indeed only two pitches available and that the perception that there was more room was due to the layout of the market and pitch sizes.

The Deputy Town Clerk updated members on the inaugural Vegan Market which was held on Sunday 23 October. The initial feedback has been very positive, and traders reported a good footfall in spite of the inclement weather. There was a total of 28 stalls providing an array of Vegan produce and goods. Further markets are scheduled for 13 November and 11 December.

Members commented that the only Covid restrictions still in place on the square is the 1 metre gap between stalls and questioned if closing the gap would increase the number of pitches. However, with Covid on the rise again it was agreed to review the situation again in early 2023.

RESOLVED: *That the report be noted.*

13. ADVERTISING AT LCC BUS SHELTERS

Members expressed a preference for Example 3 but wish to see further examples using different colourways and fonts which are easier to read for those with dyslexia.

RESOLVED: *That the report be noted.*

14. MARKET SQUARE TOILET BLOCK IMPROVEMENTS

Members considered the brief agenda report that confirmed the scheduled improvements to the toilet block had been completed.

RESOLVED: *That the report be noted.*

15. CASUAL TRADERS

The Working Group considered the agenda report which sought guidance on the position relating to casual traders and whether current arrangements should be varied. The report set out the potential advantages and disadvantages of variation, with the key concern being any undermining of the advantages of being a licenced trader, while trying to introduce greater flexibility by allowing casual traders to stand more often without becoming permanent than is currently the case. Members agreed to update the current policy and increase the number of times a casual trader can stand from four times in total to six per year.

It was proposed by Councillor D Robertson and seconded by Councillor P McDermott that casual pitch fees should be increased by 10% in order to incentivise casuals to become permanent traders with all the benefits that entails. It was agreed that the changes to the casual trader policy should be introduced for a trial period after which the Market Working Group would report their findings back to Council.

RECOMMENDATION TO COUNCIL:

- e) the casual trading policy be amended to increase the number of times a casual can stand from four occasions in total to six occasions per year.*
- f) a 10% uplift be applied to all casual pitch fees for a trial period.*
- g) the change in policy to be applied for a trial period from 16 December to 6 March 2023*
- h) the MWG to review the change in policy after the trial period and report back to March 2023 Council in readiness for permanent implementation on 1 April 2023*

16. PERMANENT TRADERS – NON-ATTENDANCE

The Working Group considered the agenda report which focused on the lack of notice given by some traders when not attending the market, and the implications of this lack of notice to the council and to the market. The Working Party noted that any change to notice requirements should be incorporated in new licences to be signed in March 2023.

RECOMMENDATION TO COUNCIL:

- a) Permanent traders be required to give 48 hours notice of non-attendance*
- b) Failure to give the required notice period would result in a double pitch fee being applied unless there were extenuating circumstances made in writing to the Town Clerk or Deputy Town Clerk.*

17. CHRISTMAS MARKETS

Members considered the appropriateness of a recommendation to Council that a formal Christmas Market be established. Councillor Robertson requested that Burntwood Town Council be notified as a matter of courtesy.

RECOMMENDATION TO COUNCIL: *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.*

18. MARKET CHARGES 2023/24

The Working Party considered the current charges applied to the hire of the Market Square and Pool Walk. The Working Party noted that the ‘Service Charge’, which covers

elements of hire subject to VAT, has been analysed by the City Council's Internal Auditor and was found to be at an appropriate level to cover such costs.

Councillor Spruce commented that it would be favourable to increase Pitch fees year on year and suggested a rise of between 4%-5%.

Councillor Robertson noted that this would not be sufficient to cover the proposed national staff pay award and suggested the increase in Market Square charges should reflect this; it was therefore proposed by Councillor Robertson and Seconded by Councillor McDermott that an increase of 9.23% be applied.

The current charges and proposed increases are detailed at **APPENDIX A** to these minutes

[Any increase in prevailing fees will be formally considered by Council at its January 2023 meeting; the recommendation of the MWG being used to assist officers in the preparation of draft budgets, and to assist Council when the matter is formally considered]

RECOMMENDATION TO COUNCIL:

That the City Council gives favourable consideration to an increase of approximately 9% in Market Square Pitch Fees, Commercial Hire Rates and Pool Walk hire charges when the matter is formally considered at the January 2023 meeting of the Council.

19. DATE AND TIME OF NEXT MEETING

Confirmed as Wednesday 11 January 2023 at 10.00am and
Wednesday 1 March 2023 via Zoom.

20. ANY OTHER BUSINESS

Members commented on the increase in unacceptable behaviour from Traders towards the Markets Officer. It was felt that the Council as an employer had a duty of care to protect its employees. Members requested that the new Markets Officer be equipped with a body camera in order to discourage and record unacceptable behaviour. Officers were asked to action this.

Members requested that the best thanks of the Market Working Group be given to the current Markets Officer, Hayley Howen for her hard work and dedication.

**THERE BEING NO FURTHER BUSINESS
THE CHAIR DECLARED THE MEETING CLOSED AT 11.36am**

MARKETS WORKING GROUP: 26 OCTOBER 2022 APPENDIX A

MARKET SQUARE CHARGES – MWG RECOMMENDATIONS 2023/24

Set out below are the existing 2022/23 charges in black text, with MWG recommendations for 2023/24 incorporated in bracketed red text.

1. Market Square Rents/Pitch Fees – General Markets

	Current Pitch Fee 10' x 10' (£)	Service Charge inc VAT (£)	Total Charge (£)
Tuesday Market	£18.14 (£19.80)	2.00	£20.14 (£21.80)
Friday Market	£18.14 (£19.80)	5.00	£23.14 (£24.80)
Saturday Market	£18.14 (£19.80)	5.00	£23.14 (£24.80)

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

2. Market Square – Commercial Hire

Type of Hire	Cost (£)
Private/commercial whole square	£200.00 (£218.00)
Private/commercial half square	£150.00 (£164.00)
Private/Commercial promoting public services	£55.00 (£60.00)
Voluntary/charitable organisations for fundraising events	£10.00 (£11.00)
Large Commercial Event (plus £500/day deposit)	£400.00 (£437.00)
Private/Commercial daily pitch fee per Vehicle	£25 .00 (£27.00)

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 (£11.00)
Hire of an individual 10'x10' (or approximate equivalent) pitch within the open space - Commercial	£15.00 (£16.00)
Hire of an individual 10'x10' (or approximate equivalent) pitch within the open space - Charities	£10.00 (£11.00)

Markets Working Group 11 January 2023: APPENDIX 1

MARKETS UPDATE – Clive Read, Markets Officer

Clive Read is the newly appointed Markets Officer and has been in post since 6th December 2022. He has settled in well and has had good feedback from the traders.

The main focus for Clive over the past few weeks has been to issue letters regarding the proposed pitch fee increases and changes for casual traders. There have been a few comments regarding these proposals, but most of the traders have made no comments.

The trial pedestrianisation of the City Centre has resulted in a need for Traders to be issued with permits. The close working relationship between LCC and LDC has allowed the City Council to administer the scheme for Traders, which will hopefully make the process far easier for the District Council and more direct for LCC's Traders. The permits have been logged and issued to the Traders.

Forthcoming tasks include to prepare the new licence documentation in readiness for the annual renewal on 1 April 2023. This will also include the Fish and Chip van, Ice Cream van and the Bower Fair.

In the month of December, one Market was cancelled due to high winds (Friday 30th). The winds did subside, and the Saturday Market went ahead as usual.

In partnership with the Vegan Market Company, three Vegan Market events have been held on the Market Square. These were in October, November, and December. In addition to the Vegan Market, we are working with Cocker Hoop Creative who have held Food Festivals and Grub Club events. These were well attended, and we look forward to supporting future bookings with them.

Vegan Market Photographs:





The Vegan Market had a number of stalls which showcased their independent, ethical and sustainable producers. They offered a wide and varied range of products including baked goods, cosmetics, street food and jewellery to name a few. We are now looking at dates for a further six Vegan Markets to take place throughout this year.

The Food Festival and Grub Club events were popular. The event on 10th and 11th December was also supported by Radio WM.

Food Festival Photographs:



Christmas Market

The Market along Pool Walk on the day of the Christmas Lights switch on was a great success. This was the first time that Pool Walk has been utilised in this manner for a 'Switch-on' Market and it served to bring additionality to the switch-on event and also to spread visitors across the City somewhat, rather than having a sole focus on the Square.

A total of 22 stalls were present, selling a range of Christmas gifts and refreshments including Hot Chocolate, Donuts and jacket potatoes. Traders reported a good footfall throughout the day with some selling out completely. There was also considerable interest in a repeat of the event in 2023.



Social Media

Social media is becoming more popular due to the efforts of the Markets Officer. Regular updates, promotion of events and other activities have seen an increase in views, likes and comments. Photographs have been taken and posted on Facebook and Twitter which have been well received by the Market Traders.

The regular updates on social media will continue and is a positive step with the aim to increase footfall to the City. Enquiries have increased and continue to be received for new traders.



Tuesday Market Update

Tuesday remains the Market Day where we do have pitches available. We are contacting Casual Traders to see if this is a day that they would be interested in trading. We are waiting for responses and hope to have a positive update in the next report.

Friday Market Update

Friday continues to be a popular day with traders although we have had one of our regular traders cease trading with us on a Friday but continue a Saturday. One of our Casual Traders has however converted to permanent, filling the pitch vacancy.

Saturday Market Update

The Saturday market is still the busiest day for traders. All pitches are currently taken however on the downside to that we are unable to take on any new traders.

The Producers' Market

The Producers' Market continues to be a well-received event. The Markets Officer will be attending these periodically so that photographs can be taken and also promoted on social media. He will also be in contact with CJ Events to develop their working relationship and hopefully continue their interest in the market area and the City.

Market Square Bookings - Non-Market Days


The Fish and Chip van continues to trade regularly on non-market days.

We have had lots of interest in the Market Square for "Community" led events, including the Police Community Event on December 8th. This was a massive success and the feedback from the organisers was very positive. We are hoping the event will be repeated in the near future.

We also had Fire and Rescue on the Square on December 16th. This was an event where they recreated a Road Traffic Collision and demonstrated how they would cut out a casualty from a vehicle. Although this was an evening event, they did have their own PR team making recordings and interviews with their Commanders and also a number of passing people who stopped to see what was happening. This, like the Police event, was a great success and helped to promote the Drink Drive and Drug Drive Campaign.

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. Traders remain keen to maintain the one metre gap between stalls, although the removal of the gap would allow for additional stalls to be accommodated. An update on this will be reported in the next Market Officer submission.



**LICHFIELD
MARKET
SQUARE**


Market Charter
Since 1153

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 - 4pm**

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



Markets Working Group 11 January 2023: APPENDIX 3

2023/24 MARKET PITCH FEES AND ASSOCIATED CHARGES

At its meeting of 26 October 2022, the Working Group resolved to make a recommendation to Council that an increase of approximately 9% on prevailing pitch fees for Market Square and Pool Walk be favourably considered by Council when it sets such fees at its meeting scheduled for 23 January 2023. Appendix A of the Minutes of the previous MWG meeting (included within this agenda) set out the implications of a 9% increase.

During the corresponding agenda item at Council on 12 December, the Leader stated that a 9% increase was seen as too high, and subsequent discussions reveal a preference for a 5% increase. Set out below are the existing charges in black text, with a 5% increase for 2023/24 incorporated in bracketed red text.

1. Market Square Rents/Pitch Fees – General Markets

	Current Pitch Fee 10' x 10' (£)	Service Charge inc VAT (£)	Total Charge (£)
Tuesday Market	£18.14 (£19.05)	2.00	£20.14 (£21.05)
Friday Market	£18.14 (£19.05)	5.00	£23.14 (£24.05)
Saturday Market	£18.14 (£19.05)	5.00	£23.14 (£24.05)

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

2. Market Square – Commercial Hire

Type of Hire	Cost (£)
Private/commercial whole square	£200 (£210.00)
Private/commercial half square	£150 (£157.50)
Private/Commercial promoting public services	£55.00 (£57.50)
Voluntary/charitable organisations for fundraising events	£10.00 (£10.50)
Large Commercial Event (plus £500/day deposit)	£400.00 (£420.00)
Private/Commercial daily pitch fee per Vehicle	£25.00 (£26.25)

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 (£10.50)
Hire of an individual 10'x10' (or approximate equivalent) pitch within the open space - Commercial	£15 (£15.75)
Hire of an individual 10'x10' (or approximate equivalent) pitch within the open space - Charities	£10 (£10.50)

A letter was circulated to Traders detailing discussions to date as well as proposed changes to the policy applying to Casual Traders (dealt with separately within the agenda). Responses were requested in writing prior to 4 January 2023.

Two written responses were received prior to the circulation of this agenda:

Response 1

I received a letter on Saturday 17th December with regards to various issues about Lichfield market and asking for comments.

Firstly regarding the increase in pitch fees, could I enquire as to why the council deems it so that there should be an increase at all ? We are merely hiring a space, the council during Covid sold the stalls so the cost of erecting them is not an issue, the hire of the skip and use of the toilet block falls under the service charge, which as stated will not rise, so why is firstly 9%, which is unbelievable and then a 5% increase being considered.

I trade in the boroughs of Sandwell, Wolverhampton, Walsall and Cannock and not one of these authorities will be implementing an increase in pitch fees for 2023/24. What makes Lichfield different?

Trade in the town is on a decline, the proposed pedestrianisation of the market area WILL have a massive negative impact on the market as many customers have indicated that parking is a major issue in Lichfield. In comparison with other markets, Lichfield is when it comes to rental fees not that cheap. Every other market I stand, in the areas above, actually provide stalls and many are covered and the rental in some cases is cheaper ! So an explanation into why the council feel the need for an increase would be interesting.

As for obtaining casual traders, the reasons above should give the councillors an idea why new traders don't want to come to Lichfield. I have traded on markets for over 40 years and therefore know many traders and when I try to tell other traders about Lichfield and to give it a go, they firstly say that they have to jump through hoops to get a pitch and secondly the hassle of having to erect a stall is something that they do not want to do. I must add that Lichfield is the only council run market in the midlands that now does not provide stalls. This is a major obstacle for encouraging new quality traders.

Lastly, we note that body cameras are now going to be worn by the market officer. Stating that there has been an increase in verbal abuse by traders. On talking to traders on Saturday none of us were aware of such happenings and would like to ask does Lichfield City council have the authority to film the public ? Has the proper licences for this been obtained? The images that are captured is the data going to be held in a secure environment? It certainly gives the traders that I spoke to Saturday a feeling that Blg Brother is one step closer. I hope you may give traders assurances on this matter. I feel personally that this matter of employing body cams is very excessive and now that our new market officer is in place and settling in very well I do not see it necessary and having spoken to a close friend of mine in the serious crime squad of West Midlands police, who shop in Lichfield, they are of the same opinion a knee jerk reaction.

I hope that these comments are looked at and taken on board.

Response 2

As we are in a cost of living crisis & most traders are struggling to survive I don't think it's a great time to increase the rent.

RECOMMENDED: Following consideration of Trader representations, the MWG to formalise its position on 2023/24 pitch fees and associated charges and make a corresponding recommendation to Council.

Markets Working Group 11 January 2023: APPENDIX 4

PERMANENT TRADERS – NON-ATTENDANCE

The increase in the number of permanent traders not attending markets and not advising in good time of their intention to be absent was reported to this Working Party at its most recent meeting. Following consideration of the situation, the Working Group made the following recommendation to Council

- a) Permanent traders be required to give 48 hours' notice of non-attendance***
- b) Failure to give the required notice period would result in a double pitch fee being applied unless there were extenuating circumstances made in writing to the Town Clerk or Deputy Town Clerk.***

The Working Party noted that any change to notice requirements should be incorporated in new licences to be signed from March 2023. This lead-in time provides an opportunity for the Working Party to discuss some of the practicalities of this decision prior to implementation.

Firstly, and with such a draconian penalty being proposed, any exemption from that penalty will need to be clearly recorded to ensure fair and even application. This is not an issue, but the actual enforcement could be difficult. For example, on Tuesday 6 December a trader advised at 7.15am that he would not be attending that day's market because he was ill. This is well within the 48 hours that would be subject to the 'double fee' penalty as proposed by the MWG. There is no requirement for a doctor's note – and it would be unreasonable to ask for one, if for example he was suffering from one of the many seasonal bugs that (at time of writing) have affected two LCC staff in two days, both of whom were feeling completely fine 48 hours beforehand.

Under normal circumstances the trader could take holiday (if any allocation remains) or accept that arrears equivalent to pitch fee will be due. Under the new proposal, the penalty would be double the pitch fee. Such a penalty may lead to traders making a greater effort to attend the Market when ill – the rights and wrongs of such being largely dependent on the nature of individual illness, the implications for the person suffering from it and those that may catch the illness if it is transmissible.

If the MWG were to decide that such penalty was not appropriate in cases of short-term illness where no doctor's note could be reasonably requested, then any trader at any point could cite illness as a reason for not attending, even when the weather is inclement. This would undermine the policy and make it unenforceable. Given the 'double pitch fee' penalty, the council may wish to assure itself that it is applying the penalty reasonably, and this could be very difficult if the Trader states they were ill and the Council has no evidence to the contrary, other than a record of the weather forecast.

Secondly, several stallholders carry goods that react badly to poor weather, for example cards and leather goods can spoil in wet weather, even when a stall is covered. Fruit and Vegetables can also spoil if wind levels are such that the stall cannot be covered and produce is rained upon. The MWG may wish to consider whether any exemptions to this policy should apply or if it is expecting traders to make a decision as to whether they stand or not 48 hours before a market, when the Council itself only makes a decision as to whether a market is cancelled by 4pm on the day before (though in reality, officers communicate the intention prior to midday).

The Town Clerk's view is that lack of attendance would be best linked to the existing disciplinary policy, where significant punishment arises for those who repeatedly do not advise of an intention not to stand.

The Town Clerk also discussed the proposal with Graham Wilson OBE, noted Markets expert and former NABMA Chief Executive. In conversation, Mr Wilson stated that there needs to be

some sanction applied or management is abrogating its responsibility, but that he favours the linking of such sanction with the Disciplinary Procedure rather than the 'double pitch fee' approach. His email that followed the discussion is reproduced below:

I sympathise with your problem and, as a starting point, it might be helpful to put the situation into the context of the national survey results that were announced at Conference, and which are to be circulated to members shortly [discussed elsewhere on this agenda]

1. Occupation of Market Stalls is falling across the country. It is down at least 5% on 2018, when we undertook the last Survey, but that 5% reduction has to be considered against a national situation where in the last four years we have lost many stalls. In this respect the occupancy figure of around 72% probably denotes a greater reduction in occupancy since 2018 than the 5% quoted.

2. The number of traders is falling. In 2009 it was around 46000. In 2018 it was 32000. Although we did not include in the Survey a request for trader numbers we feel it is significantly down on the 32000 recorded in 2018.

3. Charging arrangements around the country are many and varied and making any sense of current trends is almost impossible given the situation we face. With street trading it is relatively straightforward as there is an established list of items that can be set against licence fees. The situation is very different in Markets where there is no established list and charging arrangements vary throughout the country.

I provide this information because, at the moment in some Markets, traders are becoming a scarce commodity and anything which antagonises them might result in them looking at alternative Markets. You will have to make an assessment regarding the loyalty of your traders and, as far as possible, get their acceptance of revised arrangements before implementation. In this respect before you take any action you need to discuss with the traders the problem you face and get their views.

Clearly the main consideration is to maintain the viability of the Market and this includes having the opportunity to invite your casuals to take up stalls that regular traders do not intend to use on a particular day. While increased revenue, from the members proposal, would no doubt be welcome, I do not necessarily see it achieving the desired objective. Having said that I do not regard the proposal as unlawful per se as the market authority is entitled to implement whatever charges it deems appropriate unless (a) there is anything in the market powers that restrict the level of charges and (b) it cannot be justified by the Market authority

If the MWG wishes to implement the 'double fee' penalty it is asked to confirm how it will address the issues set out above, and upon adoption by Council a letter confirming any proposal and mitigation measures will be sent to Traders with comment invited.

RECOMMENDED: The MWG to consider the appropriateness of, and implications of, the proposed 'double pitch fee' penalty for non-attendance and agree mitigation measures and or exceptions (if any) that it wishes to include, prior to traders being made formally aware of any agreed proposal.