



# Lichfield City Council

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

21 February 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 Tuesday 28 February 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](mailto: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 11 January 2023 (copy attached) [*Minutes adopted by Council on 23 January 2023*] 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 January 2023 meeting of this Working Group, the approved Market poster design has now been ordered for bus shelters and the Market Square. An additional lockable noticeboard has also been installed to allow the display of the General markets poster as well as Producers' Market and Vegan Market posters. The posters are now in situ on the Square, with delivery of the bus shelter posters awaited.

**RECOMMENDED: *The report be noted.***

## 6. **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.

The trial period as set out above is currently nearing its end, and the view of casual traders has been sought regarding fees and what would incentivise them to become permanent traders. The general consensus to date is that the suggested uplift is not a significant financial incentive to want to give up casual status and become a licenced trader.

Members views are therefore sought on the proposal for an increased casual pitch fee but with unlimited occasions to trade. Alternatively it is suggested that a standby list of casual traders is compiled of those who are able to stand at short notice for which a reduction in fees *could* be applied. This scheme would also benefit permanent traders as their pitches would be filled in their absence. The Markets Officer will give a verbal update at the meeting.

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

## 7. **PERMANENT TRADERS – NON-ATTENDANCE**

To consider the Town Clerk's report at **APPENDIX 2** (attached) and the recommendations therein.

## 8. **GAZEBOS FOR CASUAL TRADERS**

The Markets Officer has made some initial enquiries regarding the purchase of gazebos for use by casual traders and can report the following costs.

A heavy-duty 3M X 3M light commercial gazebo with frame and cover is £449.50 if sides are also needed then the cost rises to £594.98.

In addition, X3 13kg foot weights would be needed at a cost of £169.98 and a trolley bag for transporting which is £99.99 (this would be a one-off charge)

The total cost for a gazebo with cover and weights would be £619.48 (764.96 with sides covers)

The Markets Officer suggests that it would be useful for LCC to have three such Gazebos in stock which could be hired out to casual traders for a minimal fee.

**RECOMMENDED: Members to determine *whether or not* they wish to purchase commercial gazebo/s at a cost of £619.48, if so, how many and the charge that should be applied to casual traders for the hire of the same.**

**9. MARKET SQUARE STALL LAYOUT & 1 METRE GAP BETWEEN STALLS**

Detailed measurement of the market square is ongoing to determine the number of pitches that could be achieved if the 1 metre gap (introduced during covid) was abolished. In the past traders have expressed reluctance to the closure of the gap and have been permitted to trade from all sides of their pitch, it is hoped that the closure of the gap would give a more uniformed appearance to the market as well as increase the number of pitches. In addition, the position of all pitches on the roadside of the square would be adjusted to ensure pitches do not incorporate the benches. This is following complaints from members of the public that the benches are not accessible. In all instances traders will be consulted and their views brought before the MWG.

The Markets Officer will provide a verbal update at the meeting.

**10. TRADER REPRESENTATION ON THE MARKETS WORKING GROUP**

Councillor D Robertson has suggested Trader representation on the MWG could be beneficial for the operations of the Working Group. This would allow the MWG to take on the final element of the role of the Market Traders Liaison Committee which last met in November 2019 and has not met since the pandemic. The MWG is asked to discuss the appropriateness of any such representation and what form it should take, for example:

- Representative/s nominated by Traders to sit on the MWG
- Ensuring fair representation across the various market days etc
- Invitation to all Traders to contribute in person or in writing to each MWG meeting, with a standing agenda item to cover representations received

**RECOMMENDED: The MWG to discuss an appropriate form of Trader representation on the MWG; if it wishes such representation to include formal membership of the MWG, then the MWG to make a corresponding recommendation to Council.**

**11. DATE AND TIME OF NEXT MEETING**

To be decided by the Working Group.

**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 11 January 2023 at 10:00am

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

**IN ATTENDANCE:** S Thomas (Deputy Town Clerk), M Read (Office Administrator), A Briggs (Town Clerk).

**APOLOGIES:** Cllr D Robertson, C Read (Markets Officer).

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

None.

#### 22. MINUTES OF PREVIOUS MEETING

**RESOLVED:** *The Minutes of the MWG meeting held on 26 October 2022 be confirmed as a correct record [Minutes adopted by Council on 12 December 2022].*

#### 23. MATTERS ARISING FROM MINUTES

None

#### 24. MARKETS UPDATE

The Working Party discussed the Markets Officer's report at agenda Appendix 1, and thanked the Markets Officer and Office Administrator for a full and informative report.

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

#### 25. ADVERTISING AT LCC BUS SHELTERS

Members considered the draft markets poster that emerged following requests made during informal consultation since the previous meeting.

**RESOLVED:** *That the draft design be approved and that corresponding posters be procured for LCC bus shelters and other suitable advertising opportunities*

#### 26. NABMA SURVEY 2022

Members considered the 2022 NABMA survey circulated as an enclosure to the agenda, together with the Town Clerk's brief summary report. The NABMA survey highlighted the increasing age profile of Traders, and the Chair asked whether traders at (for example) the Producers' or Vegan Markets were younger than many of the City Council's permanent traders as his observations appeared to indicate. Officers confirmed that may be the case, but that markets such as the Producers' or Vegan Market may attract part-time traders who also have shop premises, whereas regular Markets attract career traders whose numbers are in decline and age profile increasing.

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

#### 27. 2023/24 MARKET CHARGES

The Working Group considered the agenda report which included representations from Traders regarding proposed increases in pitch fees for 2023/24 as previously discussed by this Working Group (9% increase) and as discussed by the Leader of the Council on adoption of the minutes of the meeting of this Working Group at Council (preference for 5% increase).

The Town Clerk confirmed the Markets function as a whole was likely to incur a deficit of around £14,000 for the year 2022/23 financial year, but Cllr McDermott stated that while every regard needed to be given to costs to the public purse in providing services, the Market fee increases should perhaps not be seen as a straightforward cost-based exercise due to its role in attracting people into the City centre.

Following consideration of the report and also the evidence from the NABMA survey, it was unanimously agreed that a 5% increase be recommended. Cllr J Smith asked whether the resulting pitch fee amount could be rounded up or down, rather than including odd pennies; the Chair advised that payments were now all via BACS or card.

**RESOLVED: That the MWG believe an increase of 5% is appropriate.**

**RECOMMENDATION TO COUNCIL: That an increase of 5% on prevailing market pitch fees, Pool Walk hire charges and commercial hire rates be favourably considered by Council at its meeting of 23 January 2023.**

## 28. CASUAL TRADERS

Following changes to the Casual Trading Policy as agreed by the Working Group at its October meeting and subsequently adopted by Council, a verbal update on the limited feedback received to date was provided. A further report to the Working Group will follow at the next meeting.

**RESOLVED: That the update be noted**

## 29. PERMANENT TRADERS – NON-ATTENDANCE

Members considered the Town Clerk's agenda report which followed the decision of the Working Party to recommend the introduction of a 'double pitch fee' for non-attendance unless at least 48 hours' notice was given or acceptable extenuating circumstances were communicated to the Town Clerk or Deputy Town Clerk.

The Town Clerk's report highlighted potential issues with implementation and enforcement, with Cllrs C Spruce and P McDermott stating that while something needed to be done, the rigid 'double pitch fee' was perhaps not the correct route.

Following further discussion it was unanimously agreed that this idea be revisited, with a focus on linking non-attendance to disciplinary sanction but not to the rigid penalty originally proposed, perhaps based upon a minimum attendance level and/or a sliding scale of penalty depending upon the amount of notice given. The Town Clerk confirmed that officers would look at the various options and report back to the next meeting.

**RESOLVED: That a further report be provided to the Working Group to allow options for other sanctions to be considered.**

## 30. VEGAN MARKET

The Vegan Market Company asked that consideration be given to the hosting of six Vegan Markets during 2023 on the dates listed below.

- 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 was 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 held in 2022.

The Town Clerk confirmed that the income from these Markets would offset losses incurred in other areas of the Markets function. The Deputy Town Clerk confirmed the suggested dates are all the third Sunday of the month except 10 December (to coincide with the Food Festival) in order to avoid clashes with the Producers; Market and Burntwood's Market. It was also confirmed that the Vegan Market Company did not wish to make the event monthly at this time.

**RECOMMENDATION TO COUNCIL:**

**a) Utilising its powers under the Food Act Part III, the City Council creates a market to take place on 19 March, 21 May, 16 July, 17 September, 15 October and 10 December 2023**

**b) the City Council enters into appropriate contractual arrangements with the Vegan Market Company to provide these markets**

**31. CITY CENTRE PEDESTRIANISATION**

The Working Party was updated on the City Centre Pedestrianisation trial as implemented by LDC, with particular emphasis on the role played by LCC officers in administering the scheme for LCC Market Traders and associated events. It was confirmed that permits had been successfully procured and circulated. Cllr C Spruce noted that the co-operation between the City and District Council on this matter had been excellent. The Deputy Town Clerk formally thanked the Office Administrator for her efforts in this regard, the thanks being echoed by the Working Group.

The Chair advised of an email he had received from a Guildhall hirer, expressing concern as to how to load for concerts etc during the pedestrianisation trial. The Deputy Town Clerk confirmed that the car park to the rear of Donegal House can be made available for unloading – but not for parking and that the Guildhall Bookings secretary automatically facilitates hirers requirements as part of the booking procedure.

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

**32. BODY CAMERAS**

Following its request for such provision at its last meeting, the Working Group was advised that body cameras for Markets staff had now been purchased and issued. Cllr C Spruce stated that he was pleased to see the body cameras had been introduced as unacceptable behaviour should be appropriately evidenced and the perpetrator dealt with. Cllr J Smith raised a query contained in a submission from a Market Trader regarding any permissions or licences required by the City Council to use body cameras. The Town Clerk expressed the view that the cameras in this instance were little different to a dash camera. The Chair stated that as the camera was being used to protect officers and record specific confrontational incidents as they unfold, rather than to monitor the general public or specified individuals, no licence should be required. The Deputy Town Clerk confirmed that appropriate storage/viewing of any footage was being considered and it would be held/viewed securely.

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

**33. DATE AND TIME OF NEXT MEETING**

Following discussion it was agreed that the previously agreed date be changed to allow the Markets Officer to attend future meetings. The next meeting to take place on Tuesday 28 February at 10.00am via Zoom.

**THERE BEING NO FURTHER BUSINESS  
THE CHAIR DECLARED THE MEETING CLOSED AT 10.45am**

## Markets Working Group 28 February 2023: APPENDIX 1

### MARKETS UPDATE – Clive Read, Markets Officer

The Markets officer has continued to work with the Market Traders and is making headway with the cooperation and communication between LCC and Traders, in particular monitoring absences, holiday and filling available pitches.

The Traders have all been informed of the increase in pitch fees, effective from 1 April 2023 (resolved by Council on 23 January 2023) and to date only one Trader has made representations expressing their disappointment at the increase.

In early January a homeless person took refuge in the Market Square Toilet Block. They were removed from the area but due to the abuse that the Markets Officer received, the Police were informed in case of any further disturbances. In order to prevent further issues, the door closures on the toilet doors have been replaced to ensure the area is secure and all traders have been reminded to keep the doors closed. New signage has been added in this area to reinforce security and the correct use of these facilities. In addition, the City Council has joined the City Centre *Pub Watch* and *Shop Watch scheme*. The Markets Officer has been equipped with a two-way radio which provides direct access to the Police on duty and the City centre CCTV control room. It also allows all those participating in the scheme to share information and flag up potential issues or troublesome individuals.

The design of General Market poster has now been agreed and new posters have been ordered for the frames on the Market Square. A third frame has also been installed enabling all three markets to be advertised simultaneously: General Markets; Vegan Market and the Producers Market. In addition vinyl wraps of the new posters are due to be installed on all City Council bus stops by the end of February. It is hoped the bright, eye catching design will attract members of the public's attention.

### Social Media

The Markets Office continues to promote and update social media with events held on the Market Square, Minster Pool Walk and showcase the current General Market Traders. The aim is to give all traders exposure on Facebook and Twitter, as well as an overview of other events taking place. Members may also wish to note that the Markets Officer has recently completed an online course in Social Media

On 5 February 2023 the Producers Market returned after the festive break with a total of 29 stalls selling the usual variety of produce , gifts and craft items The Market was very busy and traders report a successful day with a good footfall.





### **Tuesday Market Update**

A small number of pitches remain available for the Tuesday market. Enquiries have been received from a few new casual traders that have been contacted and it is hoped they will trade in the near future. The Markets Officer will provide further updates at the next meeting.



### **Friday Market Update**

A new casual trader joined the Friday market on the 27 January. JoJo's Cakes offer a wide range of cakes and brownies which so far has proved to be a popular addition. This leaves only two remaining pitches available, which it is hoped will be occupied soon.

### **Saturday Market Update**

The Saturday market is currently full. Officers are working with traders for all 3 days to ensure that they give adequate notice for non-attendance which will provide an opportunity to plan ahead and invite casual traders who have agreed to attend at short notice.



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

New licences have now been signed by the Fish and Chip van and the Ice Cream Van for 2023. The Ice Cream trader has already paid in full for his trading year which reduces the administrative burden of producing monthly invoices. Future bookings for Market Square continue with Leons Holidays on 15 & 22 February. Photographs and an update will follow in due course.

St Giles Hospice have also confirmed that they will be using the market Square for some of their Evening Solstice Walk in June. This is a well know event in the City that will hopefully boost the charities presence and raise much needed funds.

Enquiries continue to be received from both Casual Traders and Market Square bookings.

## Markets Working Group: 28 February 2023 APPENDIX 2

### PERMANENT TRADERS – NON-ATTENDANCE

At its meeting of 11 January 2023, the MWG asked officers to consider how best to link non-attendance without notice to a disciplinary sanction (minute 29).

Consideration of the various options available quickly leads to discussion of exceptions that would potentially need to be in place for traders who sell particular goods, be they (for example) freshly sourced 'on the day' or vulnerable to the weather. Consideration of such exceptions inevitably leads to an ever more cumbersome policy, with more layers that become open to (mis) interpretation and accusation that it is not being applied fairly or equitably.

Discussions then returned to a more basic provision of incentive and penalty.

#### Incentive to Provide Adequate Notice

It has long been the case that when a trader does not attend they would not be subject to arrears if their stall is covered by a casual trader. If the stall is not covered, then 100% arrears are due. An extension of this incentive could be considered; if the trader has notified of their absence more than 48 hours before the start of the relevant Market, they would only pay (for example) 50% or 75% arrears **even if their stall could not be covered** by a casual. Such notification would need to be by text or email so it can be independently verified for date/time if necessary. Verbal communication would not be acceptable.

#### Disadvantages of the 'Incentive' Approach

One possible danger of financial incentives is abuse of the provision, with traders looking upon this as a possible way to increase holiday – effectively taking two markets 'off' and paying only for one, should a 50% discount be in place. Members may remember the relaxed 'notice' policy utilised during COVID-19, and how some traders seemingly used that provision to not attend markets that coincided with (for example) a Bank Holiday weekend. It is therefore suggested that either the reasons given for absence be subject to approval prior to the discount being applied (which could in itself present issues), or the number of times the discount can be given is limited.

The other disadvantage is the loss of revenue to LCC in the event the stall cannot be covered by a casual trader within the notice period given.

Overall, this would appear to be a straightforward financial incentive that is readily communicable to traders and in their best interests to comply with. However, it is recommended that if introduced it is made clear that this is a pilot scheme and is under review – if it is abused then it can be withdrawn.

#### Sanction for Non-Attendance Without Notification

Each case would need to be taken on its merits, with potential issues such as illness, stock supply and vulnerability of goods potentially having a significant bearing on whether or not a trader would – or indeed could or should – attend. It may therefore be appropriate for the Markets Officer to record such absences and the given reasons for them (if any), but not for such absences to be linked directly to disciplinary action in the first instance.

It would perhaps be more reasonable for the Markets Officer to raise concerns regarding absence levels with the Town Clerk or Deputy Town Clerk when a pattern of absence emerges that does not appear 'reasonable'. This could be set at (for example) six incidences per year.

The Markets Officer will have the records of absence and the given reasons to allow proper consideration to be given at that point.

If further action is deemed appropriate, the Town Clerk or Deputy Town Clerk could then advise the trader of their concerns in writing, and state that further incidences of unauthorised absence will lead to action under the Disciplinary Policy. If this informal approach is ineffective, a formal written warning could be issued, followed by further sanction including suspension or revocation of licence if the situation does not improve.

### **Referral to MWG**

If the matter did reach the stage where revocation of licence is to be considered, it may be appropriate to bring the matter before the Markets Working Group to act as arbiter, ensuring that all details are considered by a panel that has not been directly involved in the matter to that point.

#### ***RECOMMENDED: The MWG to consider:***

- 1. The appropriateness of a '48-hour rule'; if Traders advise of their intention not to attend a given market more than 48 hours before the start of that market (assumed start time 9.00am), they will only be charged reduced arrears if their stall is not covered by a casual trader (£0 charge if the stall is covered, as is usual practice). The notification to be by text, email or similar method that allows independent verification. Verbal communication would be unacceptable. Such an incentive to be 'under review' by the MWG, rather than being introduced as a permanent provision initially.***
- 2. Further to point 1, the MWG to consider whether the application of any arrears discount following appropriate notice should be subject to an annual limit and/or acceptable reasons being given for that absence.***
- 3. When Traders do not give the requested 48 hours' notice, the Markets Officer to record the reasons given for such absence, and to report those absences to the Town Clerk/Deputy Town Clerk if concerns arise; the Markets Officer to cite reasons for Trader non-attendance and provide supporting evidence in those discussions. If in agreement, the Town Clerk/Deputy Town Clerk to informally advise the Trader of concerns as to their attendance record.***
- 4. Formal sanction to be issued where this approach is ineffective and absences continue (written warning, suspension)***
- 5. In extreme situations where none of the above is effective and revocation of licence is considered, the matter to be referred to the Markets Working Group to act as arbiter in deciding whether revocation of licence should take place.***