

Lichfield City Council

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Town Clerk: Anthony Briggs BA (Hons), CILCA

25 May 2023

To: Members of the Markets Working Group

Councillors J Blackman (Chair) and D Baker, M Field, C Pinder-Smith, P McDermott and J Smith.

Also to:

LCC Markets Officer (Jeremy Williams)

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 Thursday 1 June 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 28 February 2023 (copy attached) [*Minutes adopted by Council on 13 March 2023*] and to consider any matters arising from those Minutes.

4. MARKETS WORKING GROUP – TERMS OF REFERENCE

For the benefit of new members, the Terms of reference of the Markets Working Group are included at **APPENDIX 1**. This item allows for a full discussion of the MWG and its current and future role/priorities.

RECOMMENDED: That the Terms of Reference be noted.

5. TRADER REPRESENTATION ON THE MARKETS WORKING GROUP

Further to discussions at the previous meeting, officers requested Trader nominations to the Markets Working Group. Following discussions, only one Trader has put themselves forward – John Dawkins, who trades on the Saturday market. The MWG asked that traders agree nominated representatives, but there has been no formal ballot or approval from traders to this nomination. In the interests of expediting matters, the MWG is asked whether it wishes to accept the trader representative on this basis.

RECOMMENDED: The MWG to consider whether it wishes to accept John Dawkins as Trader representative to attend meetings of the MWG.

6. MARKETS UPDATE

To consider the Market Officer and Office Administrator's report at **APPENDIX 2** (attached).

RECOMMENDED: That the report be noted

7. PERMANENT TRADERS – NON-ATTENDANCE

Incentivising early notification of non-attendance was discussed by this Working Group at its February meeting (please see minute no.40). As a result of the Markets Officer tendering his resignation shortly after the meeting, the introduction of this incentive was delayed until recruitment to the role could take place, with the new post holder appropriately trained to allow the incentive to be properly managed. Introduction of this incentive will therefore be progressed as soon as is practicable, unless the MWG wishes to revisit it in the meantime.

RECOMMENDED: That the report be noted.

8. HIRE OF POOL WALK

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

The direction of the Working Party is sought.

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 Tuesday 28 February 2023 at 10:00am

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

IN ATTENDANCE: C Read (Markets Officer), S Thomas (Deputy Town Clerk), C Read (Markets Officer), A Briggs (Town Clerk).

APOLOGIES: Councillor C Spruce, Michelle Read (Office Administrator).

34. DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATION

None.

35. MINUTES OF PREVIOUS MEETING

RESOLVED: *The Minutes of the MWG meeting held on 11 January 2023 be confirmed as a correct record [Minutes adopted by Council on 23 January 2023].*

36. MATTERS ARISING FROM MINUTES

None

37. MARKETS UPDATE

The Working Group discussed the Markets Officer's report at agenda Appendix 1 and thanked the Markets Officer and Office Administrator for a full and informative report. Councillor Robertson commended the Markets Officer for the strong engagement on social media the Council now has.

RESOLVED: *That the report be noted.*

38. ADVERTISING AT LCC BUS SHELTERS

Members considered the brief agenda report giving an update on the status of the new posters for bus shelters and the Market Square; the posters being in situ on the Square and are being installed at bus shelters W/C 27 February 2023

RESOLVED: *That the report be noted.*

39. CASUAL TRADERS

Members considered the agenda report compiled by the Markets Officer, Office Administrator and Deputy Town Clerk regarding the trial amendments to the Casual Trading Policy that had been in place since 16 December 2022 and scheduled to end on 6 March 2023. The Markets Officer informed members that the general consensus of opinion amongst casual traders was that a 10 % uplift in rent was not a significant financial incentive to become a permanent trader.

It was therefore proposed by Councillor McDermott that the casual pitch fee be increased to 15% to incentivise casual traders to become permanent licence holders with all the associated benefits. It is hoped that this increase would not alienate existing permanent traders.

In addition, it was proposed by Councillor D Robertson and seconded by Councillor M Warfield that the number of times a casual trader is permitted to stand be increased to 36 times per year across all three markets.

The change in casual trading conditions to commence on 1 April 2023 for a trial period of six months to 1 October 2023 with members of the MWG given updates in the interim period by the Markets Officer.

RESOLVED: *That the report be noted.*

40. PERMANENT TRADERS – NON-ATTENDANCE

The Working Group considered the Town Clerk's agenda report which followed consideration of this issue by the MWG at its January meeting. The report detailed the issues arising with a prescriptive link between non-attendance and the existing disciplinary procedure, notably in regard to fair and effective policing of any such policy. It was agreed that a 25% reduction in arrears should be applied to permanent traders who complied with giving 48 hours' notice of non – attendance (subject to some conditions) and that the markets officer would monitor the compliance of the scheme for a trial period.

RECOMMENDATION TO COUNCIL:

- a) That 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 be charged 75% 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.*
- b) Such an incentive to be 'under review' by the MWG, rather than being introduced as a permanent provision*
- c) 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.*
- d) Formal sanction to be issued where this approach is ineffective and absences continue (written warning, suspension) in line with the City Council's disciplinary procedure.*
- e) 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.*

41. GAZEBOS FOR CASUAL TRADERS

Consideration was given to the possibility of the City Council purchasing one or more gazebos that could then be hired to casual traders. It was felt that such availability may encourage new and seasonal traders to the market. It was agreed that Officers establish the logistics of storing and hiring the gazebos and that the casual trader would be liable for the safe erection of the Council's equipment when renting a pitch.

RECOMMENDATION TO COUNCIL:

- a) That the City Council purchase up to three Gazebos, weights, and trolley. Assuming three gazebos were eventually purchased with associated weights etc, the cost (at current levels) would not exceed £2,100.*
- b) That delegated authority be given to the Town Clerk to determine the hire price of the gazebo.*
- c) That a surety deposit be taken from the casual trader prior to the hire of a gazebo and returned to the trader at the end of the hire period only if the gazebo was still in good order.*

42. MARKET SQUARE STALL LAYOUT & 1 METRE GAP BETWEEN STALLS

Following detailed measurement of the Market Square, the Markets Officer gave a verbal update on the configurations available. The 1 metre gap had been introduced during the pandemic and, on canvassing, traders have appeared reluctant to lose this space as it enables them to effectively trade from three sides. The markets officer confirmed that the closing of the gap would only allow one extra stall to be included in the general market set up. Members noted the complaints that had been received regarding the benches on the market square being inaccessible on market days; the Markets Officer confirmed that pitch locations could be adjusted to resolve this issue.

RESOLVED: That the 1 metre gap between stalls remain in place and that all pitches currently having a bench contained within them be re-sited to allow access to the benches by members of the public.

43. TRADER REPRESENTATION ON THE MARKETS WORKING GROUP

Consideration was given to the appropriateness of inviting market trader/s to sit on the MWG. The Town Clerk confirmed that any such representation should not include voting rights (such rights being the preserve of duly elected, appointed and accountable members of the committee). It was agreed that a representative from the permanent Market Traders could attend the MWG meetings and noted that in all cases this should be the licence holder. It was stated that traders may choose to elect several representatives that could rotate their attendance at the MWG .

RECOMMENDATION TO COUNCIL: That the Markets officer ask Traders to select a permanent trader to act as representative on the MWG (such a representative must be the licence holder) and that the Markets Officer invite this trader to attend the next MWG via Zoom. Traders to decide whether they wish to nominate several traders who could attend on a rotation basis, but only one trader to attend each meeting.

44. DATE AND TIME OF NEXT MEETING

Scheduled for 10.00am Thursday 1 June 2023 via Zoom

45. ANY OTHER BUSINESS

Councillor J Checkland enquired if there were any imminent bookings for Pool Walk and the Market Square particularly on the weekend of the Coronation. Officers reported that enquiries had been received for the Market Square regarding dates for the reinstatement of the Wednesday Grub Club but at this present time no confirmation from the hirer had been received.

THE CHAIR DECLARED THE MEETING CLOSED AT 11.16

Markets Working Group 1 June 2023: APPENDIX 1

MARKETS WORKING GROUP - BACKGROUND AND TERMS OF REFERENCE

BACKGROUND

At its meeting of 9 September 2019 during discussion of the three month financial update for the 2019/20 financial year, it became clear that there was cross party support for the establishment of a small, member-led Working Group to look in to the decline of the City's historic markets and to investigate potential options to aid in a reversal of this trend and make recommendations in this regard to Council.

TERMS OF REFERENCE

DESIGNATION

Markets Working Group (MWG)

MEMBERSHIP

The Working Group to consist of a maximum of six Councillors with cross-party representation, and the City Council's incumbent Market Officer. Additional members may be appointed by resolution of the Working Group, including a Trader representative. Chair and Deputy Chair to be decided upon by Council resolution and reviewed annually.

In the event of a Member or Members resigning from the Working Group, new appointments to be confirmed by resolution of the City Council.

MWG OBJECTIVES

1. To investigate the reasons for the decline in income from the City Council's historic markets, farmers markets and 'ad-hoc' Market Square hire
2. To seek the views of third parties as appropriate (to include Traders, the public etc) regarding the market 'offer'
3. To draw upon research and initiatives from other markets, both regionally and nationally, and to enlist the assistance of industry bodies (such as NABMA) as appropriate
4. To investigate options that could lead to a revival of the markets and general 'ad-hoc' hire of the Square and to make recommendations to council in this regard
5. To oversee the implementation of such measures as adopted by Council following recommendations of the MWG
6. To assess the effectiveness of such measures and make recommendations following that assessment
7. To work in co-ordination with the existing Market Traders' Liaison Committee in achieving objectives 1-6 above.

DECISION MAKING AND GOVERNANCE

All recommendations of the MWG to be subject to confirmation by resolution of the City Council unless delegated authority has been previously conferred via resolution of the council. MWG meetings will be governed by the City Council's Standing Orders.

CONDUCT OF BUSINESS

Meetings of the MWG are informal and members of the public can be invited to participate.

The MWG to meet as often as is considered appropriate for the conduct of its business, but no less than once in any given financial year.

Minutes of each meeting will be taken by the Clerk or nominated representative and circulated as soon as is practicable. Any formal recommendations or reports emerging from a meeting of the MWG to be submitted for consideration by the City Council at the earliest opportunity.

BUDGET AND FUNDING

The cost incurred in servicing this Working Group will be met by general council funding, but there is no further specific budget allocated.

TASK AND FINISH GROUPS

The MWG may appoint task and finish groups consisting of Councillor(s) and/or community members. Each task and finish group to be Chaired by a member of the MWG who is also a City Councillor, and all decisions subject to confirmation by the MWG and subsequent council resolution.

CONDUCT

All members of the MWG or any task and finish group associated with it are required to abide by the principles and practice of the City Council's code of conduct.

CHANGES TO TERMS OF REFERENCE

Recommendations for changes to these terms of reference can be made by the MWG by resolution. The recommendations will be subject to confirmation by resolution at a meeting of the City Council.

DISSOLUTION

Recommendation for the dissolution of the MWG can be made by resolution of the Working Group and is subject to confirmation by resolution of the City Council. The MWG can be dissolved by resolution of the City Council without prior recommendation for such action by the MWG.

Markets Working Group 1 June 2023: APPENDIX 2

MARKETS UPDATE

With the assistance of the Office Administrator, both the previous and new Markets Officer continued to work closely with the Market Traders, particularly through the transition period while the newly appointed Markets Officer, Jeremy Williams, settles into post.

We have only two pitches on the Market that are currently vacant. This is due to recent changes in the traders' circumstances and they are no longer able to trade. They both know that they would be welcomed back should they wish to re-join the Market. The traders leaving the Market are Nourish and Knead and Rustic Ideas.

All Licences have been signed and PLI checks have been completed to ensure these are current and up to date. The weekly Market Registers have been updated with the new rent charges and traders are now paying the increase with no further issues raised.

The General Market posters have been in situ for a number of weeks with two concerns from the public being raised. These are being investigated to assess whether any action should be taken.

The posters are in five LCC bus stops around the City to promote the Market as well as on display on the Market Square. We have also replaced the sign on the Market Block. This has been well received with positive comments regarding the design and information provided on it.

We have a good following on our social media platforms and will be focusing on our Market and promotion of other events taking place on the Market Square to promote Lichfield and help increase footfall.

We have had several events on the Market Square recently, with two in particular standing out due to their success.

Children with Cancer UK held a charity event with a number of exercise bikes in their gazebo and willing volunteers pedalled away. If they completed a stint of 100 miles, they were awarded a medal. This event was put on by two sisters who are starting a 1000 mile bike ride challenge, riding from Lands End to John O Groats. One of the sisters has recently lost her son to cancer, so this is a cause that she is passionate to support. On the day they raised £765 in their collection buckets, and a total of £1,900 with the online donations.





The second event was held by Lichfield Litter Legends. They had a very busy day, litter picking and spreading awareness of the group, as well as the importance of putting litter and cigarette butts in the bin or taking rubbish home. The Litter Legends were pleased to welcome Ukranian volunteers who assisted on the day.





Tuesday Market Update

We currently have 2 pitches available due to recent changes in circumstances for 2 of our casual traders. They are aware that should things change, they would be welcome to return. The leavers are Nourish and Knead and Rustic Ideas. However, we do have a number of enquiries and hope that we will be able to get these pitches filled again soon.

Friday Market Update

All pitches are taken on our Friday Market. One of the newer traders, Athens Street Food is proving to be a popular stall. They offer a variety of Greek Food, which always look and smell delicious.

Saturday Market Update

Saturday market remains full. We are continuing to work on the list where we hold details for traders that will cover at short notice due to absence and holidays. This is working well and allowing us to keep the Market full, enhancing the footfall into the City and improving opinions of our Market.

Saturday 6 May, The Coronation day saw a number of Traders put up bunting and get into the festivities of the day. Sprits were high and everyone hoped that the rain would hold off for the day.



Markets Working Group 1 June 2023: APPENDIX 3

POOL WALK HIRE

Over the weekend of 20/21 May, Pool Walk was hired by the organisers of the Food Festival. Previously, this Working Group had made a (subsequently adopted) recommendation to council that the layout of stalls along Pool Walk be in line with the draft layout agreed by the Working Group. This comprised a maximum of 21 stalls, predominantly sited along the main walkway. The reasons for the approval of this layout were concerns regarding overcrowding and impact on the open space, notably the flower beds and grassed areas. Any significant proposed deviation from that approved layout was to be reported to the MWG for consideration.

For the Food Festival, and without prior notification to the council, 38 stalls (Saturday) and 34 stalls (Sunday) were erected in a layout significantly different to that approved by this Working Group. This report therefore looks at the two issues arising, namely whether there should be any consequences for this disregard of council policy, procedure and resolution as to how LCC land is occupied, and secondly, whether the layout used has merit and should be considered as an additional option for hirers in the future.

On the first point, the organisers of the Food Festival are aware how to contact the City Council and its officers, and of the approved layout at Pool Walk. It would seem to have been of little imposition to make such contact during planning stages to seek a dialogue as to their proposed divergence from the approved layout. A dialogue would at the very least have allowed time to circulate proposals to MWG members for informal comment and would may have allowed for a meeting of the Working Group to discuss it more fully. CAD information was provided by the organiser after the event which showed 34 stalls (rather than 38). Such information could seemingly have been provided in advance.

Moreover, the layout is governed by council resolution, and the council staff are therefore expected to ensure compliance; the actions of the organiser placed LCC staff in a very difficult position.

If a dialogue had been established, the revised layout could have been discussed, amended if felt necessary, tested and used as a template for future years with all contributing to pre and post event feedback in a constructive manner.

The organiser has been invoiced for the extra stalls and has settled that invoice.

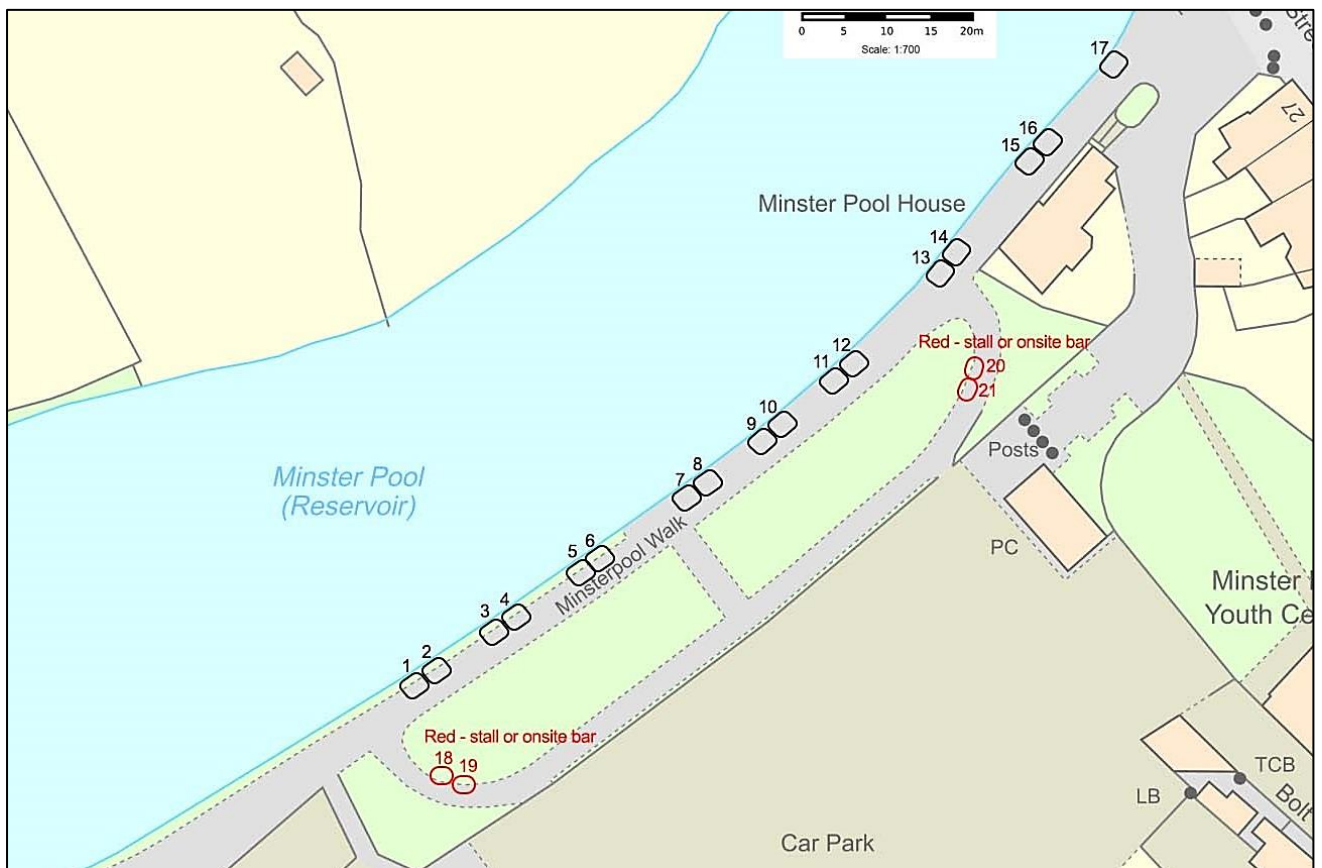
The Working Party is asked to decide whether it wishes to raise the matter formally with the organiser and the nature of any such communication.

On the second point, and despite the circumstances, it would be remiss of those wishing the full use of Pool Walk as a site for market related activities to not consider the layout used by the Food Festival organisers. Such consideration would, as previously stated, have been far more appropriate before rather than after the fact.

Officers on duty on the days of the Festival stated there appeared to be no issues with overcrowding and the stall layout worked well. Overleaf are both the current approved stall layout and the CAD drawing from the organiser that represents an approximation of the layout used at the Food Festival.

The MWG is asked to consider whether the 'Food Festival' layout should be formally added to the approved layouts for Pool Walk, and a corresponding recommendation made to council.

Existing Layout as approved by the MWG and Council (21 stalls)



Layout used by Food Festival, May 2023 (34 stalls – please note 38 stalls were counted on Saturday 20 May)

