

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	<p>Priority 2 – Enhance the quality of people's lives</p> <p>Priority 3 – Enable a flourishing local economy</p>
Consultation:	<p><i>Bishops Stortford, Hertford and Ware Town Clerks have been consulted on the options and subject to more detailed information on costs, income and their member's views and are interested in discussing this further.</i></p> <p><i>Advice has been sought by National Association British Market Authorities (NABMA) on transfer of market rights and initial ideas have been included in the report.</i></p>
Legal:	<p>East Herts Council, as the owner of market rights in the district has the ability to hold markets and control markets within six and two third miles from any market licensed by the Council.</p> <p>In addition to Charters, Town and Parish Councils are entitled to use the powers contained in Part 111 of the Food Act 1984 to establish markets. These powers are the same powers used by Unitary and District Councils to operate Markets. This means that the Town and Parish Councils could decide to establish markets of their own without reference to the District Council on the issue of market rights although they would need planning permission, for a regular market, and might need other approvals such as highway or road closures.</p> <p>To transfer market rights further legal advice may be sought from NABMA.</p>
Financial:	<p><i>Overall the direct costs of the markets service operates on a deficit to the Council of approximately £42,000 a year.</i></p> <p><i>If options 5, 6 or 7 is agreed a transitional financial arrangement is likely to be requested by the Town Councils to take over the market management leading to</i></p>

	<p><i>no subsidy after an agreed period of time.</i></p> <p><i>A transfer of Market Rights would lead to a loss of income of £14,500 from the licensing of other markets but this is likely to be outweighed by losing all other associated costs of running the markets.</i></p>
Human Resource:	<p><i>The member of staff affected by the options has been consulted regarding this report. TUPE implications or redundancy may exist subject to further legal and HR advice. A staff consultation process would be applicable in these circumstances.</i></p>
Risk Management:	<p><i>A transfer of Market Rights to Town Councils is the option that most reduces risk to the District Council. There is a risk of Town Councils not having experience in this field but the contract with Bishops Stortford has shown that with support and transfer of experience this is a sustainable and realistic option. Not approving proposals or choosing an alternative option could potentially increase risk, as well as costs to the council in the future.</i></p>
Health and wellbeing – issues and impacts:	<p><i>Local markets provide a vital resource for local communities in terms of supporting the local economy as well as providing an enjoyable leisure activity. Fresh local produce also encourages healthy eating.</i></p>