

EAST HERTS COUNCIL

EXECUTIVE – 23 OCTOBER 2018

REPORT BY EXECUTIVE MEMBER FOR ECONOMIC DEVELOPMENT

FUTURE MANAGEMENT OF HERTFORD AND WARE MARKETS

WARD(S) AFFECTED: ALL HERTFORD AND WARE

Purpose/Summary of Report

- To inform members of the outcome of the engagement with traders and other stakeholders.
- To agree the future management process for Hertford and Ware markets.
- To outline the next steps for the service.

RECOMMENDATIONS FOR EXECUTIVE: That the Executive:

(A)	Note the results of the engagement exercise with the traders relating to the street trading consent proposals;
(B)	Approve the use of street trading consents for managing Hertford market;
(C)	Approve the use of street trading consents for managing Ware market; and
(D)	Approve that the implementation date for (B) and (C) be January 2019.

1.0 Background

- 1.1 The retail environment and the role of town centres has changed considerably over the last 10 years and there has been a decline in the number of market stalls nationally. Overall the East Herts markets service runs at a deficit of approximately £50,000 per year.
- 1.2 Bishops Stortford Town Council has been operating the market in the town since June 2015, and it was determined that the potential for the devolution of Hertford and Ware markets to their respective town councils be explored. An options appraisal was carried out and a report was presented to Community Scrutiny Committee in March 2017, recommending that town councils could be best placed to deliver markets in the future. Sawbridgeworth Town Council no longer run a market but Buntingford Town Council manage their own Monday market, with no support from East Herts Council (EHC).
- 1.3 Officers have been exploring options over the last 18 months to seek to continue the market offer, but at the same time reduce the costs to EHC. A report to the Executive on 17 July 2018 agreed the transfer of market rights to Bishop's Stortford Town Council with effect from 1 April 2019.
- 1.4 Hertford and Ware Town Councils declined to take over the running of the markets at this time, therefore an alternative method of providing the markets service was investigated.
- 1.5 The council could suspend the market service delivered through the Food Act 1984, and instead support traders to deliver a service through the use of street trading legislation. Street trading is managed by EHC's Housing and Health section and traders could apply for consents under the Local Government (Miscellaneous Provisions) Act 1982. There is no limit to the number of street trading consents that could be authorised, subject to the space available etc. It is intended that traders will be able to have the same location on each occasion.

- 1.6 It was determined that engagement with market traders in Hertford and Ware take place over the summer of 2018 to seek their views on a street trading consent arrangement for the continuation of stalls, and in doing so be able to provide a continued markets service to customers.
- 1.7 This report includes the outcome of that engagement and explores the merits of a street trading arrangement and recommends the next steps for the service.

2.0 Report

2.1 A questionnaire was provided to all traders who have traded on Hertford and Ware Markets in the last year, and the survey was open for three weeks during July and August 2018. A copy of the questionnaire is included in **Essential Reference Paper 'B'** and a summary of the responses and comments are detailed in **Essential Reference Paper 'C'**.

2.2 *Hertford Retail Market*

Of the 12 regular market traders, 11 responded to the survey. Of these, 5 traders (45%) have stated they would apply for consent if the council moved from a formal market service to street trading consents. The remainder were undecided or against the change.

2.3 *Hertford Farmers Market*

Of the approximate 20 regular traders, 7 responded to the survey. Of these, 4 traders (57%) have stated they would apply for consent if the council moved from a formal market service to street trading consents.

2.4 *Ware Market*

All 5 regular traders responded to the survey. Of these, 4 traders (80%) have stated they would apply for consent if the council moved from a formal market service to street trading consents.

2.5 *Engagement with Traders*

The council's markets coordinator liaised with traders, and from conversations the majority of the stall holders wanted to see the continuation of the markets service.

2.6 Under the current arrangements stall holders waste is collected, however under the street trading consents this responsibility will fall to traders. The feedback from the majority of them was that they could accommodate this change and remove their own waste, which is not uncommon at other markets.

2.7 Traders will continue to be allocated a specific location and weekly traders will pay a lower fee under the current street trading consent charges. At Hertford and Ware retail market, traders transport and erect their own stalls. A move to street trading consents would require all traders to undertake this which would be a change for the farmers market traders, however to assist with a smooth transition, EHC will continue to arrange and fund the setting up and taking down of the stalls for the farmers markets for up to 12 months.

2.8 *Housing and Health*

Street trading is managed by EHC's Housing and Health section and officers have been liaising to explore how the service could be delivered in this way.

2.9 Under street trading, the process includes consultation with agencies including the police and the highways team at Hertfordshire County Council. To improve the efficiency of the consultation process it is proposed to move to a 'block' consent approach, which is a single consent to cover the current geographical market areas, subject to agreement from the consultees. A 'block' consent would avoid having to consult on each trader application, which would speed up the process and reduce the likelihood of individual applications being rejected. If agreed by the consultees, this can be included in a review of the street trading policy.

- 2.10 The 'block' consent would need to be renewed annually, and this could be done in advance of the renewal date which would allow time for negotiations should a consultee withdraw their consent; or it would enable a 'notice period' should the consent not be provided because of valid objections e.g. the introduction of double yellow lines necessitating a change to the location of stalls.
- 2.11 It is intended that the review of the street trading policy also includes for a 'group trader consent' in the town centres. This would enable one trader to apply for consent on behalf of a group of traders. This would reduce the administration and allow for the street food markets (and other specialist groups of market traders if required) to continue under the new arrangement.
- 2.12 Market traders are currently able to pay for their market stall by monthly standing order. Under street trading consents the fee for an annual consent is required to be paid when applying for consent; however the ability to pay by instalments will be investigated. Traders can also apply for a monthly street trading consent which provides flexibility and a shorter commitment for those wanting to trial a stall or who sell seasonal produce.
- 2.13 The review of the street trading policy will take into account the matters arising from this report, including changes that can be made to make it easier and more flexible for traders e.g. payment terms and short term consents. Traders operating via street trading consents will also have the opportunity to comment on a revised draft policy in due course. The policy review is being led by the Housing and Health section and the aim is to have this completed in spring 2019.
- 2.14 *Operational Changes*
Formal consultation has been undertaken with staff directly affected by the proposals. Should a decision to change to street trading consents be approved, the next steps will be to work with traders to assist them with applying for consents and work

with colleagues and partners to ensure the applications are processed ready for the service change. Administration staff currently engaged in processing market stall applications will instead process street trading consent applications for the market areas. It is proposed that the enforcement and management of any unauthorised traders will be investigated by enforcement officers in EHC's Operations section, to include occasional inspections on market days at Hertford and Ware. The focus during the transition will be to ensure a seamless continuation of stalls.

2.15 Any changes will be communicated to traders and stakeholders and it is proposed to re-launch the service, promoting the reduced costs to trade for example, to encourage the development of the number of traders and thus improve the vibrancy of the market offer.

2.16 *Differences between the Services*

A summary of the differences between the market services delivered via street trading (via the Local Government (Miscellaneous Provisions) Act 1982) and the formal market service (via the Food Act 1984) is detailed in **Essential Reference Paper 'D'**.

2.17 There are differences between using the Food Act to operate a market compared to using street trading legislation. For example, under street trading legislation EHC would no longer operate the service under 'markets' legislation, and therefore would not have the right to control or regulate other markets and car boot sales, however these would continue to operate via arrangements between the organisers and the land owners.

2.18 *Proposed Way Forward*

In consideration of all factors it is proposed that street trading consents are used as a way forward for managing market stalls in Hertford and Ware.

2.19 The customer experience is not expected to change as the

traders would be in the same location and with the same 'look and feel' as the current market service. There is also an opportunity to increase the number of stalls, for example promoting the lower fees to trade, and this will be included as part of a relaunch of the service. A change to street trading consents will provide savings to the council whilst continuing to provide a market service to the community and an opportunity to attract new traders. In the course of the review some questions and queries have been raised, and a list of FAQs is supplied at **Essential Reference Paper 'E'**.

2.20 *Conclusion*

The council remains committed to continuing to support market stalls in Hertford and Ware. Utilising street trading consents is a more streamlined way of managing these and it is therefore recommended that this approach be implemented. The council will suspend managing these markets under the Food Act once the street trading consent approach commences which is targeted for January 2019.

3.0 **Implications/Consultations**

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Report to Community Scrutiny 28 March 2017

[Item 649 Markets Options Appraisal](#)

Report to Executive 17 July 2017

[Item 94 Future Management of Town Centre Markets](#)

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