

## East Herts Council Non-Key Decision Report

**Date:** 23 October 2024

**Report by:** Councillor Vicky Glover-Ward –  
**Executive Member** for Planning and Growth

**Report title:** Incentive packages for new stallholders at  
Ware Commercial Market

**Ward(s) affected:** Ware Priory

### Summary

- The council's Corporate Plan, LEAF, includes as a key objective under the overarching aim of Acting with the Community, to *'help create thriving high streets, by encouraging local markets'*. This report lays out an incentive packages to encourage new providers to run a stall at Ware Commercial Market for a short period in the hope that this will enable them to establish the viability of acquiring a licence to take up a stall at the market for a longer period.

**RECOMMENDATIONS FOR DECISION:** That the Executive Member for Planning and Growth, acting under delegated authority at section 4.26.3 (p) 'to approve all in year changes to both fees and charges':

- (A) Approves an incentive for new stallholders of four consecutive free weeks at the weekly Ware Commercial Market, which operates weekly, subject to terms listed in Appendix A of this report; and
- (B) reviews the outcome of the incentive by no later than 31<sup>st</sup> December 2025 to ascertain its effectiveness and determine whether to continue or cease it.

### 1.0 Proposal(s)

- 1.1 To incentivise greater uptake at the council's weekly Ware Commercial Market by introducing a 'four weeks free period' to enable potential stallholders to 'try-before-they-buy'.

## **2.0 Background**

- 2.1 The council's Corporate Plan, LEAF, includes as a key objective under the overarching aim of Acting with the Community, to *'help create thriving high streets, by encouraging local markets'*.
- 2.2 The council runs the Commercial Market in Ware each Tuesday. Unfortunately, in recent times uptake of stalls at the market has also fallen considerably and the market is not fulfilling their potential.

## **3.0 Reason**

- 3.1 Unfortunately, Ware Commercial Market typically only has two or three of its 27 available pitches filled each month. The low take up obviously detracts from the vibrancy of the market which in turn means the market underperforms in bringing people into the town on market day and deprives the council of potential income.
- 3.2 Officers and the Executive Member for Planning and Growth have considered ideas for incentivising increased uptake at Ware Commercial Market suggested by the council's temporary Markets Officer specifically brought in to work with existing stallholders and others to help revitalise the council's markets.
- 3.3 This report proposes a 'four free weeks period' for new stallholders at the weekly Ware Commercial Market to run for four consecutive weeks to enable potential new stallholders to assess whether purchasing a pitch licence would be viable for them.
- 3.4 The fee that would not be collected during each incentive period amounts to £163 per stall. As this is for new stallholders who wouldn't otherwise purchase a pitch, this cannot be considered lost income as the council has no reasonable prospect of otherwise selling the pitch. Should the stallholder choose to take a pitch after the free period, the council could benefit from a four-weekly fee of £163 or an annual fee of, currently, £437.

## **4.0 Options**

- 4.1 Not introduce incentives – NOT RECOMMENDED as the current

marketing of Ware Commercial Market has not seen an increase in stalls while the council's temporary Markets Officer, who has spoken with market stallholders in the district and beyond, believes the incentives could encourage potential stakeholders to test out whether having a stall at the market would be viable.

- 4.2 Trial a shorter or longer number of 'free weeks' or a 'half price licence' or similar package of incentives – NOT RECOMMENDED as the aim is to make the incentive as clear and easy to understand – 'it's free' – while affording enough time for the stallholder to assess the viability of their continued involvement. The council's temporary Markets Officer has advised that the proposed incentive would be sufficient for a potential stallholder to assess the case for purchasing a licence.
- 4.3 Introduce a 'four free weeks' incentive for new stallholders at Ware Commercial Market – RECOMMENDED for the reasons laid out in this report.

## **5.0 Risks**

- 5.1 There is a risk that the incentive fails to attract any or very many potential stallholders to either try the free trial or continue at the market afterwards. As there is currently no other prospective of securing more stallholders at Ware Commercial Market, this would not constitute a financial loss.
- 5.2 There is a risk of take up of the incentives being over-subscribed. Arguably, this is a welcome problem to have although there could be a reputational risk if a significant number of potential stallholders were turned down. This risk can be mitigated by advertising that the incentives are being offered on a 'first come, first served' basis and should a pitch become available in the future a fresh application for the incentive could be made.
- 5.3 One might conclude that the incentive is simply a way for an existing stallholder to benefit. The terms of the incentives, included in outline in **Appendix A**, would preclude an existing stallholder or someone benefiting from an incentive in the previous 18 months from being eligible for an incentive.

## **6.0 Implications/Consultations**

6.1 The council's temporary Markets Officer has consulted existing and potential stallholders to help officers draw up this proposal.

### **Community Safety**

None arising directly from this report.

### **Data Protection**

None arising directly from this report.

### **Equalities**

None arising directly from this report.

### **Environmental Sustainability**

None arising directly from this report.

### **Financial**

The council's Fees and Charges Policy makes clear that it is the overriding policy position of the council that service users should make a direct contribution to the cost of providing services (both discretionary and statutory) at their point of use wherever this is not prohibited by statute. Furthermore, the Fees and Charges Policy makes clear that *'the charge levied should, in general, be such that it at least covers the total cost of providing the service'*. This is an important principle given the council's fiduciary duties to ensure the prudent use of council taxpayers' money. The proposals in this report would see the council not charging a fee of £163 although as there is currently no other prospective of securing more stallholders at Ware Commercial Market, this would not constitute a financial loss.

The fee for stallholders at the council's markets are not subject to levels set by government or another body and thus the council has discretion to make charges that cover its costs. Of note, it would need to look to other mechanisms should it wish to make a surplus; this is not the council's intention.

It is obvious that applying free periods would act against cost recovery. That said, the council's Fees and Charge Policy allows for a charge below cost recovery to be levied in certain circumstances. Of particular relevance here is:

- the setting of a charge with due reference to *'any relevant council strategies or policies... so that any charge is in line with policy and corporate priorities'*. Of note, Council agreed at its meeting of 28<sup>th</sup> February 2024 to *'helping create thriving high streets, by encouraging local markets'*; this proposal is being considered with this corporate objective in mind;
- *'the desirability of **increasing** or decreasing usage of a given service...'* [emphasis added]; the 'free period' incentives have been specifically designed to enable potential stallholders to 'try-before-they-buy' and hence there is a possibility of at least a proportion benefiting from the incentive going on to purchase a licence and thus increase the council's income.

### **Health and Safety**

None arising directly from this report.

### **Human Resources**

None arising directly from this report.

### **Human Rights**

None arising directly from this report.

### **Legal**

The council runs Ware Commercial Market under its power to do so contained in the Food Act 1984. Section 53 (1) of this act enables the council to *'demand in respect of the market, such charges as they may from time to time determine'*. The council thus has legal power to introduce this incentive.

### **Specific Wards**

Ware Priory

### **Appendices**

**Appendix A** – outline terms of the Ware Commercial Market incentive.

## **7.0 Background papers, appendices and other relevant material**

### **Contact Member**

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