

Chichester District Council

CABINET

3 March 2015

Markets and Street Trading, Chichester City

1. Contacts

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2. Recommendation

- 2.1. That the relocation of the Traders Market to the Chichester City Centre Precincts is explored and that consultation is undertaken with key partners and a further report then submitted to Cabinet.**
- 2.2. That a review of charges for the grant of street trading consents is undertaken and referred to the General Licensing Committee for consideration and approval.**
- 2.3. That the General Licensing Committee be asked to review the Street Trading Guidance regarding the number of stalls for which a street trading licence may be granted.**

3. Background

- 3.1. A Traders Market is presently held two days a week on the Cattle Market Car Park. The market has, however, been declining in its present location and will cease to operate if the location is not changed resulting in loss of income to the Council and service to the community.
- 3.2. Other Markets, including the Farmers Market, the Christmas Market and the summer Garden Market, are held in the Chichester pedestrianized precincts. These streets have been designated consent streets for Street Trading purposes and the markets held in the precincts are permitted by way of a street trading consent granted to the operator.
- 3.3. The Council's current Street Trading Consent Guidance was approved in 2006. It is based on charges designed to recover administrative costs. These charges do not, however, recover the full costs of dealing with matters such as investigation and prosecution, health and safety checks

and general management of the operations. Staff in the Environmental Health/Licensing, Legal, Economic Development, Health and Safety and Estates Teams contributes much time to managing markets and trading in the precincts and these costs could be recovered through street trading charges.

- 3.4. The General Licensing Committee has authority to approve revisions to the guidance and to oversee general administration of the consent regime and to determine the level of fees. Recently there have only been inflationary increases to the fees charged.
- 3.5. The Current Guidance does not permit the grant of a street trading consent unless it is for the operation of a market of at least 10 stalls.

4. Outcomes to be achieved

- 4.1 Street trading has the potential to increase footfall and customer numbers in the City Centre. This is already achieved through the use of the precinct for the Farmers Markets, the Christmas Market and other occasional markets and events. Relocation of the Traders Market to the pedestrianized precincts is likely to bring more customers into the city centre as well as adding to the variety of shopping opportunities available.
- 4.2 The Council is also seeking to maximise income from commercial activity. Street trading charges are currently set at a moderate level and there is the opportunity to introduce charges that would maximise the recovery of costs and generate additional income. If the Traders Market were to move into the pedestrianized precinct the anticipated income would be higher than the income currently generated from the Cattle Market Car Park location (see Part 2 Appendix). The vacated area would then be available for car parking.
- 4.3 There is also an urgent need to deal with unauthorised traders who claim to be operating as pedlars and this is under separate consideration. It is possible, however, that additional licensed market operations will discourage unauthorised traders from setting up stalls.

5. Proposals

- 5.1. To progress matters officers will need to review the Street Trading Consent Guidance (i.e. the Council's Regulations for Street Trading) in order to introduce charges that maximise the recovery of costs, where appropriate. Variable charges could be introduced to retain moderate charges for markets, such as the Farmers market, where high stall charges would not be viable. The Council must justify its charges by reference to costs. However, current charges do not cover costs.
- 5.2. The review should also explore the removal of the restriction on the number of stalls for which a street trading licence would be granted - at present there must be at least 10 stalls.

- 5.3. Alongside of this it is recommended that the Council explores the relocation of the Traders Market to the Chichester city centre precinct and undertakes a consultation exercise with key partners and a survey of City Centre traders. A further report then to be submitted to Cabinet.
- 5.4. Relocation of the market could be a sensitive matter and this will be better understood following the consultation proposed. The experience in Winchester for example, has demonstrated the potential for creating a good quality precinct market, with matching stalls which benefits traders by bringing more potential customers into the City centre.
- 5.5. There are already other activities taking place in the precincts such as the Farmers, Christmas and Summer Markets. These must be considered in determining the days on which a relocated Traders market operates.

6. Alternatives that have been considered

- 6.1 As an alternative to relocating the market and increasing charges the Council could retain the present arrangements. In this case it is likely that the Traders Market would close. The current Street trading charges are very modest (£103 for a one day event plus £51.50 for each additional day or £25.70 for charitable events or events organised by the Council such as the Farmer's Market). As indicated in the Part 2 Appendix there is an opportunity for the Council to recover more of its costs by increasing the rates for Street Trading changes.
- 6.2 Another alternative would be to introduce higher street trading charges for trading in the precinct but without expanding the use of the precinct for additional markets or the Traders Market. The Traders Market would still be likely to close but market operators would not be taking the Council's share of the potential income as well as their own operators share.
- 6.3 A further option would be to move the market to a city centre off-street location and is therefore likely to generate more footfall than the Cattle Market Car Park location. Unfortunately it has not been possible to identify an alternative acceptable location for the Traders market.

7. Resource and legal implications

- 7.1. There will be significant work involved in undertaking consultation and survey work with over 350 city centre traders (and their head offices) and statutory bodies. The issue is sensitive and as a result the consultation will need to be thorough, handled carefully and robustly analysed. This consultation and survey work can be undertaken in house via the Communities Team
- 7.2. There will also be work involved for many of the Council's teams including Licensing, Environmental Health, Legal, Estates, Conservation and Design, Economic Development and Health and Safety. If the level of charges is increased along with the amount of street trading, then the resultant charges provide revenue to recover these costs.

8. Consultation

- 8.1. There have been internal consultations by way of officer meetings and consideration by CMT.
- 8.2. External consultations will proceed if Cabinet agree that the matters should be pursued. There have been some informal discussions with the City Centre Partnership (CCP). The Council's market operator has made a presentation to the CCP following a survey the operator undertook of City traders.
- 8.3. The survey suggested that there was support for the relocation of the Market. However, neither the CCP nor the Council was involved in that exercise and the results must be treated with care. Subsequent discussions with the CCP indicate that they have unresolved concerns regarding the proposal. The CCP has advised that it would not support the Traders Market simply being moved into the centre in its present form. It is acknowledged that a precinct market would need to be of a higher quality. Further extensive consultation is therefore recommended.
- 8.4. The main consultees are WSCC, the City Council, the CCP and Sussex Police. However, others such as the Fire Service, will also have an interest.

9. Community impact and corporate risks

- 9.1. If the traders market is not relocated it is likely to close. However there are sensitivities related to relocating to the precinct and such a move would need to be seen to be of benefit to the city centre rather than just a means of preventing the traders market from closing.
- 9.2. The proposals for street trading and markets need to link in with other strategic initiatives for the City centre, such as the recently approved City vision work. Consultations undertaken in respect of street trading will help to inform those proposals
- 9.3. The level of charging for street trading may have a bearing on the level of illegal trading. On one hand low charges may encourage legitimate trading but on the other hand it is essential that trading that takes place in the City centre is of an appropriate quality. Variable charges can be introduced to cater for less profitable operations like the Farmers Market. Also unauthorised trading is generally in the form of single stalls which are outside of the scope of the current Street Trading Consent Guidance.
- 9.4. To avoid challenge, the Council needs to be able to demonstrate that there is a relationship between charges and costs incurred by the Council which will be recovered through the charges.

10. Other Implications

Crime & Disorder:		No
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Climate Change:		No
Human Rights and Equality Impact: The provision of markets provides a greater variety of trading for traders and customers	Yes	
Safeguarding:		No

11. Appendix

11.1. Financial Information (exempt).

12. Background Papers

12.1. None.