

TELFORD & WREKIN COUNCIL**CABINET – 16 JUNE 2016****MARKETS UPDATE****REPORT OF THE ASSISTANT DIRECTOR: COMMERCIAL SERVICES****LEAD CABINET MEMBER – CLLR LEE CARTER****1. SUMMARY**

- 1.1 In December 2015, the Council published its draft Budget Strategy, which contained proposals for the Council to stop running a number of services and facilities by April 2017. This date was proposed to give enough time to put in place alternative arrangements for running these services.
- 1.2 The draft Budget Strategy included a proposal for the Council to stop running the weekly markets at Oakengates, Dawley, Madeley and Hadley, saving £20,000 a year from 2017/18. During the budget consultation process, initial interest was expressed in operating the markets from a number of organisations. Following approval of the Council's Budget on 3 March 2016, we have been able to explore these options in more detail.
- 1.3 This report provides a progress update on these discussions and recommends the next steps to put alternative arrangements in place for the Borough's weekly markets.

2. RECOMMENDATIONS

- 2.1 Cabinet approves proposals to work with relevant town and parish councils to put in place alternative arrangements under the Partnership Support Programme for the responsibility for operating local markets, as set out in Section 4;**
- 2.2 Cabinet resolves to cease operating the local markets at Oakengates, Dawley and Madeley (subject to final decision by Madeley Town Council) on dates to be agreed with the relevant town council;**
- 2.3 Cabinet delegates authority to the Assistant Director: Commercial Services in consultation with the Cabinet Member for Council Finance, Partnerships and Commercial Services to finalise arrangements with the relevant town councils that wish to establish markets in their areas;**
- 2.4 Cabinet delegate authority to the Assistant Director: Governance, Procurement & Commissioning to execute all legal documentation necessary to give effect to the recommendations contained within the report.**

3. SUMMARY IMPACT ASSESSMENT

Community impact	Yes	The provision of markets links to the Council's priority of protecting and creating jobs as a Business Supporting, Business Winning Council. Working in partnership with town & parish councils to put in place alternative arrangements for the operation of local markets supports the overall vision of Telford & Wrekin as a place of 'enterprise, innovation and partnership'.
Financial and value for money impact	Yes	The Budget Strategy for 2017/18 contains a saving proposal for £20k around an alternative model for Borough Markets. In order to achieve this saving the Council would need to stop running the markets from 1 st April 2017. Parish and town councils taking on the operation of the markets will be required to submit a business case to the Council that shows how they intend to fund the service ongoing. This may be through an increase in their precept, an increase in income and/or from a reduction in costs. Once the market has transferred across to the town or parish council they will be responsible for all costs incurred going forward and for collection of income from the traders. MLB 18.05.16
Legal issues	Yes	<p>The Food Act 1984 (the Act) allows a local authority, which includes parish and town councils, to establish or acquire a market within their area.</p> <p>The four markets subject to this report were established, and are currently operated, by the Council under the Act. The Council could takes steps to delegate the market function to a parish or town council however it would retain all responsibility and liabilities for the operation and maintenance of those markets.</p> <p>The Council could, by formal resolution, cease to operate the markets under the Act and thereafter the relevant parish or town council could invoke the powers under the Act to re-establish/continue the operation of the market under their control. The Council would therefore effectively devolve the provision of local markets to the relevant parish or town council.</p> <p>There will be no transfer of associated assets therefore where the market is operated on land owned by the Council the relevant parish or town council, and in the case of Hadley the traders, can be granted a licence to occupy the land for the purposes of operating a market.</p> <p>It is recommended that any formal agreements in relation to the devolution of the markets to the parish or town councils forms part of the overall Partnership Support Programme agreement.</p>

Other impacts, risks and opportunities	Yes	The main risk is that we are not able to finalise alternative arrangements for the markets by April 2017, which would impact on market traders and local residents who use the markets. An additional risk is that at some point in the future a parish or town council could decide that it no longer wishes to operate the market in its area. Should this be the case the Council is in a position and wishes to re-establish/continue the market this could be done again by appropriate resolution. There is also a staffing impact, as the currently employs a Markets Support Officer.
Ward implications	Yes	<ul style="list-style-type: none"> - Oakengates & Ketley Bank - Dawley & Aqueduct - Madeley & Sutton Hill - Hadley & Leegomery

4. INFORMATION

4.1 During the budget consultation, interest was expressed in running the markets by a number of town and parish councils and also the existing market traders. Both these options have been considered and it is proposed that where there is a town or parish council that is willing to take on the running of a market, then this would be the preferred option because:

- Town & parish councils are legally able to establish a market under the same legislation as the Borough Council (Food Act 1984), which means that the markets could continue to operate in a similar way to how they do now i.e. existing and new traders could attend the market without having to apply for individual street trading consents;
- Most people who shop at the markets in Telford live very locally and we feel that the in-depth local knowledge of town and parish councils means that they are well placed to understand what their local communities want from their market and to work with traders and residents to develop the market.

4.2 We have now had detailed discussions with all the local town & parish councils regarding the practicalities of operating the market in their areas. As these discussions have progressed, the Markets Support Officer has been giving the existing market traders regular updates and we have also written formally to the traders to inform them of developments.

4.3 The current position is:

- Oakengates Town Council has agreed to take on the running of Oakengates market with a target handover date of July 2016;
- Great Dawley Town Council has agreed to take on the running of Dawley market with a target handover date of October/November 2016, to allow time to discuss future plans with the traders;
- Madeley Town Council has requested additional information about what is involved in running Madeley market and will make a final decision at a future meeting;

- Hadley & Leegomery Parish Council, whilst supportive of the market continuing in Hadley, has decided that they do not wish to take on the running of the market at this time.

4.4 For Oakengates, Dawley (and subject to a final decision of the Town Council, Madeley), it is recommended that we now work with the respective town councils to put these new arrangements in place as part of the Partnership Support Programme. To pass control of the markets to the relevant town council will require Cabinet to make a formal resolution to stop operating the said market on a date to be agreed with the town council, to be followed by the town council passing a resolution of their own authority to say they are going to establish the relevant market in their name on the agreed date (delegated authority is sought to enable dates to be negotiated and finalised with town councils). The Council's Markets Support Officer will work closely with the town council's officers and members to ensure that there is a smooth handover and to offer practical support and advice during the transitional period.

4.5 In the case of Hadley, the existing traders could continue to trade in their present location under individual street trading consents (STC). We have informed the traders who regularly attend Hadley market of how to apply for STC and made them aware that they would need to have applied for and been granted STC by April 2017 as the Council will not operate the market after this date (as previously agreed in March 2016). We have also offered to give traders additional support in securing their STC applications.

4.6 There will be no transfer of property assets associated with any of the markets, therefore where the market is operated on land owned by the Council the relevant town council, and in the case of Hadley the traders, can be granted a licence to occupy the land for the purposes of operating a market.

5. PREVIOUS MINUTES

5.1 None.

6. BACKGROUND PAPERS

6.1 None.

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