

# Markets Forum

A meeting of Markets Forum was held on Wednesday, 25th November, 2009.

**Present:** Cllr Robert Cook (Chairman), Cllr Mrs Jennie Beaumont, Cllr Ian Dalgarno, Cllr Mrs Suzanne Fletcher, Cllr Bill Noble, Ms E Hutchinson (Market Trader Representative), P Johnson (Market Trader Representative)

**Officers:** R Bradley, Mrs S Daniels, J Glancey, N Laws, C Watson (DNS); Mrs J Doherty (CESC); Mrs T Harrison (LD)

**Also in attendance:** No other persons were present

**Apologies:** None

## **M 32/09**      **Declarations of Interest**

Councillor Mrs Fletcher declared a personal non prejudicial interest in relation to the proposed 2010 Markets and Events item due to being on the Stockton Fairtrade Borough Partnership who could be involved if the Clean, Green and Ethical group ran a stall.

## **M 33/09**      **Minutes of the meeting held on 23rd September 2009**

Consideration was given to the minutes of the meeting held on 23rd September.

AGREED that the minutes of the meeting held on 23rd September 2009 be agreed as a correct record once an amendment is made to specify that B&M had moved into the vacant Woolworths in Stockton, not Thornaby and the donation to the Butterwick Hospice was £5000 instead of £500.

## **M 34/09**      **Thornaby Market Update**

Members were advised that Thornfield had cancelled each scheduled meeting between themselves and Stockton-on-Tees Borough Council's Regeneration Project Manager. However, it was hoped that the meeting scheduled for 27th November 2009 would take place and discussions could be held to discuss the potential for the expansion and redesign of the layout of Thornaby Market in accordance with the Markets Development Agreement.

Surveys had been carried out on visitors to Thornaby Market, the results showed that the majority thought the Market needed to sell a greater range of produce.

It was acknowledged that Thornfield appeared to not want the Market in Thornaby; however it was observed that an agreement was in place and the Market was entitled to take place. It was also pointed out that markets were keenly supported by many of the Council's Members.

Members discussed the problems of Market Traders having to park some distance away from the site of their stall due to the bollards and disabled parking. Market traders queried how emergency services would gain access to the Town Centre and were advised that this would have been a planning consideration but the Regeneration Projects Manager would investigate and

report back to Members.

Another issue faced by markets traders was abandoned shopping trolleys. There was nowhere for shoppers to deposit trollies and they did not return them to ASDA and therefore abandoned them. It was felt that if the £1.00 slot shopping trollies were introduced then the problem would disappear. The Regeneration Projects Manager advised that he would lobby Thornfield to encourage ASDA to address the problem.

AGREED that:

1. The report be noted.
2. The Regeneration Project Manager will investigate the planning conditions regarding access to the Market and Town Centre, in particular, the emergency services access and report back to Members.
3. The Regeneration Project Manager will lobby Thornfield to encourage ASDA to address the problem of abandoned shopping trolleys.

**M**  
**35/09**

### **Stockton Sparkles Update**

Members were provided with a brochure detailing the programme of events being held in Stockton during the lead up to Christmas. Liaison had taken place between relevant teams to ensure that street theatre and entertainment were integrated with the Markets; as a result only one market trader would be displaced and relocated.

Members were advised that further to a point made at the previous meeting, the concern relating to the testing of the Christmas lights prior to the 'switch on' had been passed on to Technical Services and confirmation had been received that they would be tested prior to 'switch on'.

Options for lighting the market stalls had been ruled out due to the huge cost that would be incurred.

AGREED that:

1. The report be noted.
2. Officers will email detailed information of the Stockton Sparkle programme to all elected Members and Market Traders.

**M**  
**36/09**

### **Stockton International Riverside Festival Feedback**

Members were advised that meetings were held to discuss the problems encountered by traders at 2009's Stockton International Riverside Festival (SIRF). Organisers of the event had apologised for not specifying that the footprint identified for the 2009 event would be different for the Friday and Saturday. It was proposed that an area would be identified by SIRF organisers and that all market traders be informed in writing in January 2010 as to the extent of this area. No traders would stand within this footprint on either Friday or Saturday of SIRF thereby enabling affected traders to plan either for

relocation elsewhere in the market (including the Castlegate frontage) or to take annual leave.

It was confirmed that further to the Scrutiny Review's recommendations which were approved by Cabinet, a letter would go out to each market trader who would be affected. A plan would also go out in the form of a leaflet which would go to all traders showing the footprint of SIRF and the location of all the traders. All traders would be required to sign a form acknowledging that they received the letter and leaflet.

AGREED that the report be noted.

**M**  
**37/09**      **Proposed 2010 Markets and Events**

Members were provided with a proposed programme for specialist Markets and Town Centre events.

Any agreed programme would require promotion and marketing as part of the 700th anniversary celebrations of Stockton's Market Charter. It would also need to link in with the Council's overall strategy for 2010 events.

Members were advised that a successful private operator was keen to run a Farmers Market in Stockton and the Town Centre Manager was keen to encourage. The operator wished to hold the Market outside Municipal Buildings, however Members had reservations regarding the location due to lack of footfall compared to other sites such as Castlegate or Parish Gardens. It was observed that the decision lay with the operator who had investigated the best site in Stockton and who had made a great success of the Farmers Market in Saltburn. However Stockton-on-Tees Borough Council also had a vested interest in the success of the Farmers Market so they would provide advice as well as support.

Members were advised that officers did not wish to commit to any specialist markets as they were still investigating the various options. There was also the option to hold specialist markets in other towns around the Borough.

Members suggested a craft stall which was currently being run in Skipton and the clean, green and ethical stall for consideration.

AGREED that the report be noted.

**M**  
**38/09**      **European Services Directive 2006**

Members were advised that a letter had been sent to Minister for Business Innovation and Skills, Lord Davies of Abersoch outlining the Council's concerns regarding the proposed Directive, in particular, the implications of the potential for removal of the automatic right of relief for same day markets.

NABMA continued to dispute that market rights should not fall within the Directive and that BIS, in seeking to reduce anti-competitiveness and the streamlining of authorisations and licence issuing, was indeed acting ultra vires.

Authorities were required to "screen" all legislation used locally and their

administrative procedures. In terms of providing markets in Stockton Borough, a Market Charter permits the Wednesday market in Stockton, a franchise was granted for a Saturday market in Stockton, whilst statutory markets were established for markets on a Friday in Stockton, Monday in Billingham and a Thursday in Thornaby. In relation to all the above markets, the Council could prevent rival markets being set up within 6 2/3 miles of its market if held on the same day. The statutory markets had added protection in that no further markets should take place on the same day elsewhere within the local authority boundary (even if more than 6 2/3 miles away).

BIS argued that market rights were affected by the Directive, hence the need for all local authorities to assess all byelaws and regulations introduced using powers set out in legislation. NABMA however contested that government officers did not understand the nature and substance of market rights and the fact that much of their significance derived from case law. Indeed under current market rights powers there was automatic relief where a market or car boot sale was held on the same day and relief where the market or car boot sale was held on a different day if damage or the likelihood of damage could be shown. Clearly these rights would be taken away should the Directive be deemed to apply. Further legal advice was awaited by NABMA.

Clearly there remained considerable uncertainty about the position on market rights and it was unlikely that matters would be sorted by 28th December 2009. However this did not mean that NABMA members could ignore the Directive pending the resolution of the issue. One of the main requirements to be implemented by 28th December was the provision of website application forms for market stalls, car boot sales and private markets together with information about the process, any policies adopted in respect of each service and a means of resolving any dispute that might arise. Provision for electronic payment also needed to be made.

It was observed that Middlesbrough held stalls in Captain Cook Square however there had to be five stalls to constitute a Market.

Members were advised that the Chair wrote to the MP's for Stockton asking for their help.

Members were advised that further updates would be provided.

AGREED that the report be noted.

**M**  
**39/09**      **Market Traders Promotions Fund**

Officers advised on the current balance of the Market Traders Promotional Fund.

AGREED that the report be noted.

**M**  
**40/09**      **Any Other Business**

PROMOTIONAL FUND

Officers provided Members with examples of the suggested voucher system that could be run as part of the commemoration of the 700th Anniversary of the Market Charter. The voucher system could be run four times in the year and could be implemented very quickly, however it was dependant on the number of market traders wishing to sign up to the voucher scheme.

Discussion took place regarding how the promotion could advertised, it was suggested that details and vouchers could go in the Herald and Post, retail shop, on Market Stalls and in Stockton News.

Clarification was given that the cost would be paid for by the market traders Promotional Fund.

Further discussions were to be held with market traders and updates would be provided at the next meeting.

Further to a request at the last meeting, Members were also provided with a copy of part of the questionnaire carried out by the Markets Team in 2008. Members requested a full copy of the questionnaire at the next meeting.

#### MARKET TRADER PRESENTATION TO BUTTERWICK HOSPICE

Members and officers acknowledged the good picture in the local paper of the market traders presenting the cheque to the Butterwick Hospice.

#### POLICE PRESENCE

Members and market trader were happy with the advice that Police would be present in the Shambles every other Saturday. A market trader advised that she was happy for the Police presence as the drug dealer who carried out business behind her stall had now gone.

#### MARKET TRADERS RETIREMENT

Members observed that the retirement of the longest serving market trader was to be celebrated by an article in the Evening Gazette and a presentation by the market traders.

Members requested that a card be sent to the retiring market trader from the Markets Forum.

#### NOISE ABATEMENT

Members discussed the issue of two music stall traders who competed in the volume of the music played. Noise abatement officers had visited on three occasions; however they had not recorded a significant noise pollution.

Members requested that a warning letter be sent to both stalls.

AGREED that:

1. The business be noted.

2. The voucher scheme be discussed further at the next meeting.
3. Full copies of the questionnaire to be provided at the next meeting.
4. A card is to be sent to the retiring market trader from the Members of Markets Forum.
5. A warning letter be sent to the two music stall market traders who are competing in the volume of their music.