



Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Marianne Hesketh, Service Director Performance and Innovation	Cllr Michael Vincent, Planning and Economic Development Portfolio Holder	9 August 2018

Trial Street Market on Victoria Road West, Cleveleys

1. Purpose of report

- 1.1 To approve a 14 week trial of a street market on Cleveleys Plaza, Victoria Road West with a view to regularising the market if successful by agreeing that it will operate as a statutory market under the provisions of the Food Act 1984 Part III.

2. Outcomes

- 2.1 The establishment of a statutory market which will operate every Wednesday on Victoria Road West.

3. Recommendation

- 3.1 That approval is given to trial Cleveleys street market with a view to regularise, if successful, as a statutory market under Section 50(1) of the Food Act 1984.

4. Background

- 4.1 Under section 50(1) of the Food Act 1984, as amended, a local authority such as Wyre Council, may establish a market within their area.
- 4.2 Since 26 October 2011, the council has been operating a very successful outdoor market in Poulton-le-Fylde located in Market Square. The market is held every Monday and its presence has led to increased footfall to the town centre. Following consultation with local businesses in Cleveleys, it is felt that the operation of a street market will help with the continuity of trade and increase visitor numbers to its high street.

- 4.3** The Council has received lots of positive feedback and wishes to trial the weekly market to run every Wednesday starting on 22 August for 14 weeks. In order to do this it is necessary for the council, as a market authority to pass a resolution for its establishment under the provisions of S.50(1) of the Food Act 1984. The main objective is to increase footfall and stimulate trade in the town centre.
- 4.4** The Council will promote the Cleveleys market in the Wyre area and at the same time will assist with the promotion of other markets operating in Wyre.

5. Key issues and proposals

- 5.1** The market will be held on a Wednesday to avoid a conflict with Fleetwood Market which has the right to oppose a rival market within 6 ²/₃ miles. Fleetwood Market is closed on Wednesdays and therefore has no objection to the market operating on these days. The operating times of the market will be 8am to 4pm and there will be a maximum of 12 stalls.
- 5.2** Permission is not required as the Plaza is our land and no other events are planned for these dates. Lancashire County Council have been consulted and have no objections at this time.
- 5.3** There is a requirement for a formal assessment for health and safety, access to and from stalls and also to adjoining shops/premises for emergency services and provision of public liability insurance by operators of £5m for any one or subsequent claim. Owing to the position of the Market it will be subject to weather conditions e.g. high winds would prevent the market taking place.
- 5.4** The proposed fees and charges are based on Poulton-le-Fylde Market's fees and charges and will be £26 for 3 metres linear frontage. These fees represent the summer rates and if the trial is extended or a permanent market established other charges may apply during the winter.

6. Delegated functions

- 6.1** The matters referred to in this report are considered under the following executive functions delegated to the Planning and Economic Development Portfolio Holder (as set out in Part 3 of the council's constitution): "To consider matters relating to the operation of public markets" and " To determine charges or fees for any relevant services operated within the portfolio".

Financial and legal implications	
Finance	The charges have been set at a level comparable with Poulton and other outdoor markets operating in the Wyre area at £26 per stall. Full occupancy for a complete 14 week period would result in additional income for the Council of £4,368. Other costs including officer time, advertising and promotions will be accommodated within existing budgets.
Legal	There are no legal implications for the trial but if successful, a further report will be required to comply with the Food Act 1984 for the creation of a Statutory Market.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	✓

risks/implications	✓ / x
asset management	✓
climate change	x
data protection	x

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