



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	Councillor Michael Vincent, Planning and Economic Development Portfolio Holder	17 January 2019

Regulate the Cleveleys Plaza Street Market

1. Purpose of report

- 1.1 To approve the regulation of a weekly seasonal market on Cleveleys Plaza 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 in Cleveleys to increase footfall and support local trade.

3. Recommendation

- 3.1 That approval is given to regulate the Cleveleys Wednesday market situated on The Plaza, 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 From 29 August 2018 to end of November 2018, the council operated a successful market in Cleveleys which was initially located on the seafront Plaza. As the weather deteriorated during the trial period, the market was moved to Derby Road Car Park, Cleveleys.

- 4.3** Following discussions with the traders it was determined that the market performed better on the Plaza than on Derby Road Car Park. Consultation with local businesses suggested that they had seen increased footfall since the market trial commenced. Further consultation with the local shopkeepers in Cleveleys indicated that the public arriving on the trams would normally only walk halfway down Victoria Road West but during the trial have been walking the full length of the road to get to the market on the Plaza. The shops have therefore benefited from increased footfall. It is felt that the operation of a street market will help with the continuity of trade and increase visitor numbers to the town's high street.
- 4.4** It was noted that Great Eccleston Market had raised initial concerns about the Cleveleys Market as it was felt it would affect its trade as it too trades on Wednesdays. The Market Manager has spoken to the Parish Clerk for Great Eccleston who confirmed that there had been little or no impact during the trial and there have been no objections from the Parish Council or the market traders to the Cleveleys Market at this time.
- 4.5** The council has received a significant amount of positive feedback from the traders who stood at the trial Cleveleys market and who through consultation would like to see the weekly market run every Wednesday from early March to the end of September. 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.
- 4.6** The Cleveleys Market was trialled for 10 trading days generating an income of £2,873.

5. Key issues and proposals

- 5.1** It is proposed that the Cleveleys Market will be held on the Plaza and will be on a Wednesday so that it doesn't conflict with trading at Fleetwood Market which is closed on Wednesdays. The market will need to be seasonal owing to its proposed location on the Plaza and so it will run from around Easter to the end of September. There will be a maximum of 14 stalls.
- 5.2** The council will promote the seasonal, weekly Cleveleys Market in the Wyre area and at the same time will continue to assist with the promotion of other markets operating in Wyre.
- 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.

6. Delegated functions

- 6.1** The matters referred to in this report are considered under the following executive function delegated to the Resources Portfolio Holder (as set out in Part 3 of the council's constitution): "To consider matters relating to the operation of public markets."

Financial and legal implications	
Finance	The charges have been set at a level consistent with other outdoor markets operating in the Wyre area at £26 per stall. Provided the market operates on the Plaza there are no ongoing VAT implications to fees and charges at this time. Full occupancy for a complete 14 week period would result in additional income for the council of £5,096. All costs associated with operating and managing the market will be met from existing budgets.
Legal	The resolution complies 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
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection
None.		

List of appendices

None.

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