

21 March 2018

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| Report of | Lucie Breadman – Assistant Director - Communities | Author | Cassandra Clements |
| Title | Colchester Charter Market Regulations | | 282918 |
| Wards affected | Castle | | |

1. Executive Summary

- 1.1 Colchester Charter Market moved to the High Street in April 2015. New working practices were introduced at that time to support the new market. It was agreed to give these changes time to bed in, review progress and then finalise and amend Charter Market Regulations to reflect these and any further changes for Licensing Committee to endorse.
- 1.2 Suggested amendments are detailed in section 5 of this report.

2. Recommended Decision

- 2.1 To agree the revised Colchester Charter Market Regulations.

3. Reason for Recommended Decision

- 3.1 The Market and Street Trading Manager has been working closely with traders, to make sure the regulations are fit for purpose. This means that both traders and the Council are clear about their responsibilities but are also protected. Using best practice from other Councils, feedback from traders and our existing operational guidance the Licencing Committee are now asked to ratify the revised Charter Market regulations.
- 3.2 The regulations that have been in place have worked very well. As such there are very few amendments suggested.

4. Alternative Options

- 4.1 Alternative options include:
 - To keep the regulations as they are now – this is not recommended as the suggestions are based on the experience of the Market and Street Trading Manager
 - Additional amendments: Licensing Committee may suggest additional amendments for Officers to look at.

5. Summary of Changes

5.1 Below is a table showing the proposed changes:

| Ref | Change | Reason |
|--|---|---|
| <ul style="list-style-type: none">• P.2 Definitions (g) Interim Trader | Maximum number of Markets deleted (was 17) | If enforced this would have a negative impact on income |
| <ul style="list-style-type: none">• 5.4 Casual traders cannot trade more than two consecutive weeks in a contract period | Casual traders who attend for more than 6 weeks in a contract period may be excluded from future trading on this basis at the discretion of the Markets & Street Trading Manager. | Limiting Casual traders to just two consecutive weeks would have a negative impact on income. However, at the same time we still want to encourage traders to take up a permanent contract. |
| <ul style="list-style-type: none">• 6.3 The fee for the collection of unpaid stall fees. | We need to add: 'or charges added to cover late payment of electric fees'. | Enables a penalty for non-payment of new electric charge (this would also cover special event charges) |
| <ul style="list-style-type: none">• 6.7 Charges for electric | New rule added | From April 2018 Traders using electric will pay an additional charge on top of pitch fees |
| <ul style="list-style-type: none">• 12.6 No real-fur products | New rule added | This follows a national campaign which has been supported by portfolio holder and mayor. Only one Street Trader had historically sold legally produced real fur products and accepts change |
| <ul style="list-style-type: none">• 15.2 Proof of Right to Work | Legislation updated with link to HMRC and immigration office guide | Changes to acceptable forms of I.D. |
| <ul style="list-style-type: none">• 16.1 No animal shall be brought onto the market | Market manager's discretion changed to 'exceptional circumstances (for example a guide dog) | Makes previous rule more clear – generally pets or animals are not permitted with exception of guide dogs or similar |

6. Equality, Diversity and Human Rights implications

6.1 The EQIA for the Colchester Charter Market regulations can be found here:

<http://www.colchester.gov.uk/article/12744/Communities>

7. Strategic Plan References

7.1 The links to the [Strategic Plan 2018-21](#) are:

1. GROWTH: Help make sure Colchester is a welcoming place for all residents and visitors
2. GROWTH: Work with partners to create a shared vision for a vibrant town centre.
3. OPPORTUNITY: Promote and enhance Colchester borough's heritage and visitor attractions to increase visitor numbers and to support job creation
4. OPPORTUNITY: Help business to flourish by supporting infrastructure for start-up businesses and facilitating a Business Improvement District

8. Consultation

8.1 The Market and Street Trading Manager has been working with all Market Traders to consolidate their ideas to the suggested amendments.

9. Publicity Considerations

9.1 We will make the Market and Street Trades aware of the revised regulations in writing and with a face to face discussion / hand delivered letter, where feasible. We will also upload an electronic copy to the Colchester website.

9.2 Market Traders are aware of the suggested amendments put forward.

10. Financial implications

10.1 Regulation 5.4 currently limits Casual traders to just two consecutive weeks, and has had a negative impact on income. We are therefore asking to increase this. With the understanding that at the same time we still want to encourage traders to take up a permanent contract.

11. Community Safety Implications

11.1 There are no specific Community Safety implications to note.

12. Health and Safety Implications

12.1 There are no specific Health and Safety implications to note.

13. Risk Management Implications

13.1 There are no specific Risk Management implications to note.

Appendices

Appendix One – Colchester Charter Market Regulations

Background Papers

None.