

11 March 2020

Report of	Assistant Director of Environment	Author	Demi Quinn
Title	Revision of Market Operation and Fees		☎ 07908 415085
Wards affected	All wards		

1. Executive Summary

- 1.1 This report seeks approval to make changes to the operation and location of the Council's Charter Market and to work with Lion Walk Property S.A.R.L being the existing tenant of Lion Walk shopping centre("the Tenant") for the reason set out in this report.

2. Recommended Decision

- 2.1 To agree changes to the operation and location of the Council's Charter Market and to authorise the Assistant Director for Environment in consultation with the Portfolio Holder for Waste, Environment and Transportation, to enter into a lease arrangement with Lion Walk Property S.A.R.L. the tenant of Lion Walk shopping centre enabling the market to be relocated to Culver Street East to Lion Walk .
- 2.2 To permit stall holders to use their own stalls up to seven-days-a-week from Culver Street East to Lion Walk subject to the terms of the new lease

3. Reason for Recommended Decision

- 3.1 The Council has had positive conversations with the Tenant following a trial period , and they have been supportive in developing an alternative and sustainable location for the Colchester Market. Feedback from traders and the Tenant has been good following the trial and more people are interacting with the traders. Working with the Tenant provides the Council greater opportunities with increased marketing potential and greater impact on development events and special markets throughout the year.

4. Alternative Options

- 4.1 To maintain the current position, but this was not deemed appropriate for the reasons stated in the report.

5. Background information

- 5.1 On 16th July 2019 a Portfolio Holder decision was taken:
1. To allow stall holders to use their own stalls if they meet appropriate safety requirements.
 2. To approve changes to the fees for a Colchester High Street Market Pitch to £25 per pitch as proposed in the report and to introduce special offers when demand for stalls is weaker.

3. To approve the commencement of consultation on the introduction of an additional Market Day for Colchester Market on Wednesdays and reducing the market on Saturdays (until such time as it moves location).
 4. To approve trialling additional locations in Colchester for market stalls to operate on a Saturday.
- 5.2 This report provides an update on the actions taken and the outcomes.

6. Outcomes from the decisions:

Traders utilising their own stalls

- 6.1 Before the trial, Wardens and Operatives set up and took down stalls each day on a Friday and Saturday. This took a total of over 50 working hours a week on a rota which then meant they needed to take time off in lieu during the normal working week. This resulted in them spending less time performing their normal duties in their respective neighbourhoods.
- 6.2 Since the trial started, stall holders have been erecting their own stalls under the supervision of one Warden and one Operative on Saturdays. This released more than 19 hours of staff time back to Wardens and Operatives each week.
- 6.3 Some Friday traders do not feel safe setting up their own stalls on the High Street so close to passing traffic. These traders have asked to trade at Lion Walk as an alternative. They are not taking up pitches on Fridays as a result. Street Food Vendors, used to eventing, have adapted easily. Should the Friday traders start to use their own stalls, 38 hours of service a week would be released back to the Wardens and Operatives.
- 6.4 The trial has demonstrated that the Council can avoid the minimum £10,000 of expenditure on new stall covers, although it is recommended that a small number of replacement stall covers are purchased which can be met from the current maintenance budget for the Market.

Revision of fees

- 6.5 The trial started at the beginning of November and those that started using their own stalls moved on to the £25 rate immediately. By the end of November, almost all stall holders had moved to the new rate, with the exception of 4-5 regular stall holders who remained on the higher rate, because they wanted to stay on the High Street and were continuing to use the Council's stalls, as they did not feel safe to set up their own stalls (see paragraph 6.3).

Consultation and trialling different location

- 6.6 The first location chosen to trial the market was at the Priory. While it was a successful event for most traders, it was clear that if this were to become a regular market location, much work would need to be done to drive footfall. However, news of the event at the Priory brought the market to Lion Walk's attention and within 4 weeks, a test day at Culver Street East proved successful.
- 6.7 The test day on Saturday 19th October 2019 in Lion Walk was well received by public, press and media and importantly, the traders. One trader took the equivalent of a month's

takings on the trial date in comparison to their High Street location. All traders at least doubled their takings. The outcome of the test day resulted in further discussions to set up a longer trial period with traders and the Tenant.

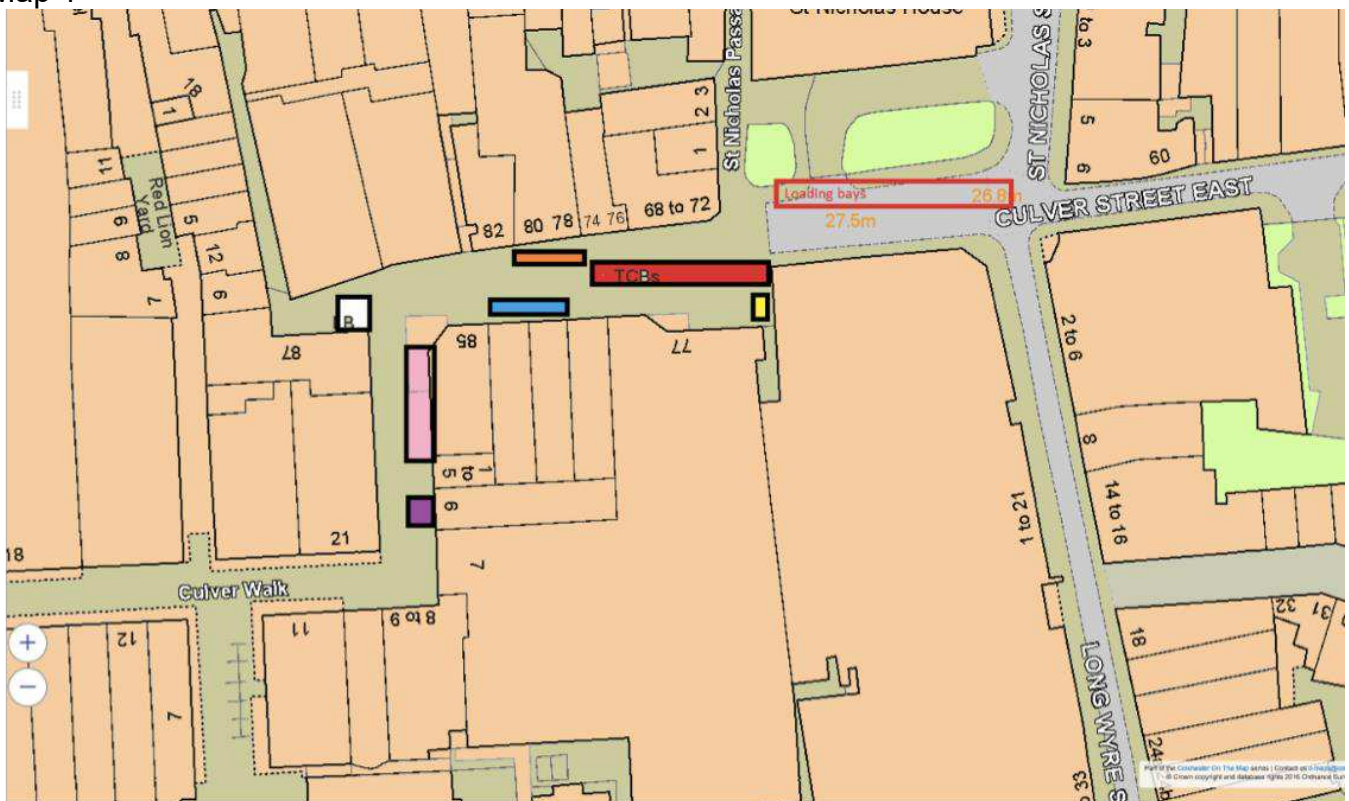
6.8 Lion Walk data underpinned the trader experience:

Footfall data from the test day on Saturday 19th October:

- Footfall count >40,000 on trial day
- Like-for-like year-on-year trial day footfall growth +9.1%

6.9 The new location is a combination of outdoor space, which is a part of the Tenant's demise, and public highway.

Map 1



Map Key

Pitch 1	Pitches 2, 3, 4, 5 & 6	Pitch 7	Pitches 8, 9 & 10	Pitches 11 & 12	Pitches 13 - 21	Pitch 22
---------	------------------------	---------	-------------------	-----------------	-----------------	----------

6.10 During the trial, the traders have been occupying pitches 1 to 12 (see Map 1). Officers are working with Essex Highways to develop a Traffic Regulation Orders to make pitches 13 to 21 available.

6.11 Pitch 22 will become available once work on the development of the Co-op building is complete, and the loading bay will be utilised for additional pitches to accommodate Fruit 'n' Veg and Fishmonger – traders which require vehicle access to unload directly to the pitch.

6.12 In addition, the square marked in blue on Map 2, will be available for themed markets throughout the year (the Chilli Challenge took place here on the 25th January and got great publicity from BBC Essex, Colne and Actual Radio, as well as the Gazette and local bloggers)

Map 2



6.13 Increased existing footfall eliminated the need to establish and communicate the 'new' market, like the Priory or other suggested locations in the town centre. This is evidenced in the takings by the traders in comparison to the High Street.

7. Impact of changes

7.1 Saturday High Street market occupancy was down to just five contracted traders and one regular casual trader, before the trial at Lion Walk began. Overall, Officers had also been advised that six permanent traders were struggling to keep businesses going and had given notice that they might have to leave after Christmas.

7.2 The Council has retained all but one of these six traders since the trial; they have either moved to Lion Walk and are already enjoying a huge increase in takings, or are waiting to move, based on outcome of this decision, encouraged by the clear opportunity of the new location. The reduction in fees was significant in retaining regular traders.

Permanent Traders	Permanent Traders	Difference	Permanent Traders	Permanent traders	Difference
Fridays pre-trial	Fridays post-trial		Saturdays pre-trial	Saturdays post-trial	
13	12	-1	5	10	+5

7.3 Within a few weeks of the Lion Walk trial, occupancy more than doubled with up to 12 traders on Saturdays at Lion Walk, plus 5 on the High Street. Three of these have since moved to Culver Street East, one is waiting to move once it becomes operationally viable, and another long-term trader has reluctantly ceased trading.

7.4 Just 15% of trialists in the last year took up the option to trade on the High Street on either a permanent or casual basis citing, footfall, location, and set up as factors. Since the trial at Culver Street East, two of these trialists have returned to Colchester Market on

Saturdays, as new location meets their expectation regarding footfall and environment. One is now permanent.

7.5 All former trialists will be invited to try new location once capacity increases.

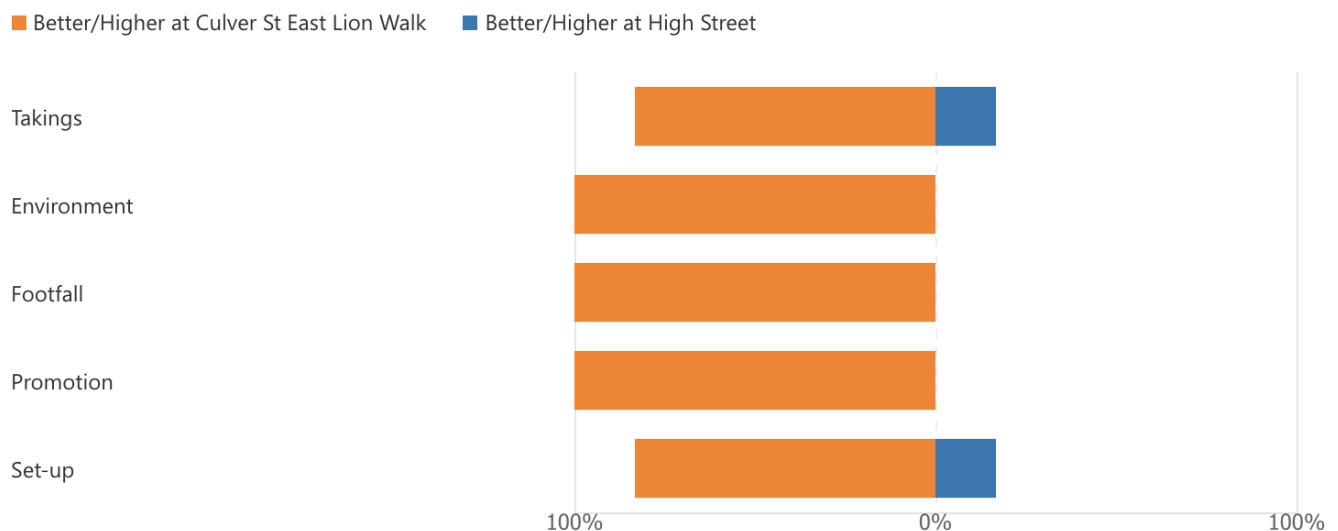
8. Feedback from the traders

8.1 Throughout the trial, regular meetings were held with traders for ongoing feedback and dialogue: One trader, was happy to share her experience, which is typical:

19 th October	26 th October	2 nd November	9 th November
Location: Lion Walk	Location: High Street	Location: Lion Walk	Location: Lion Walk
Customers: 50	Customers: 14	Customers: 30	Customers: 56

8.2 This trader now regularly receives 80 customers per day at Lion Walk. Eight out of twelve regular traders at Lion Walk have at least trebled their takings compared to the High Street. Three have stated that they would not have considered trading with Colchester Market if the Saturday market were on the High Street.

8.3 After three weeks of the trial, the feedback from traders on key markers were as follows:



8.4 Traders have asked for more opportunities to trade on alternative days to Friday and Saturday. This provides the opportunity to draw in casual traders on alternative days and enables the Council to use alternative traders at different times of the week.

8.5 Applications from traders, both through the Council's website and directly via the Tenant, during the trial period increased since the temporary move, with up to 8 new traders waiting to start in Spring. Because of the unique way in which the market operates, a balance of trade policy exists, so any applicants who duplicate an existing offering, are put on a waiting list and contacted once a position becomes available. There are currently 20 traders on this list.

9. Feedback from the Tenant

9.1 Headline data from the Tenant set out that footfall has increased since including the Market within the Lion Walk shopping centre, with a 6.2% year-on-year, like-for-like, growth. This outperforms the UK average by 11.8%, and the South East Region by 10.5%. While footfall is down by around 5% to 6% nationally and locally, Lion Walk is an outlier, enjoying growth.

10. Impact on income

- 10.1 The revision of pitch fees had a small impact on income initially, but as Q4 (quietest time of year) to date has already matched Q3 (busiest time of the year) it is clear to see that the changes have instigated growth. Extending the number of days available to traders will further increase income growth.

Q2 June to August 19	Q3 September to December 19	Q4 January to March 20*
£13,027	£10,874	£10,692

*Q4 figure has potential for further growth as more casual traders take opportunities to trade in the remaining 6 weeks of the period.

11. Proposals

Lion Walk

- 11.1 Whilst the Council is the freehold owner of Lion Walk, historically it entered into a lease with its Tenant so its consent to the proposed arrangement will be required via the terms of any agreed lease.
- 11.2 It is recommended that the temporary arrangements with the Tenant be formalised to enable the Colchester Market to be relocated. It is proposed that there will be fee share split fifty-fifty in return for the Tenant providing agreed services in terms of security, cleaning, electricity and other service that will be agreed by the terms of the proposed lease. The proposed lease arrangement will be for a fixed term which will need to be regularly renewed.
- 11.3 Officers will work with Essex Highways and colleagues to put in place changes to traffic regulation orders to facilitate the changes set out in the report. The Tenant and or the Council may also need to obtain a permission for part of the proposed site from the United Reformed Church.

Enable stall holders to operate seven days a week

- 11.4 Traders are keen to trade on other days during the week at Lion Walk. This will provide the opportunity to attract more traders and provide more variety to visitors to the town centre. In addition, those traders currently on the waiting list, may have more opportunity to trade on a different day.
- 11.5 Officers will focus on developing and establishing the market in Culver Street as a valuable asset for Colchester. Notwithstanding there will be other events and special markets that may take place throughout the year across the town centre.
- 11.6 Officers will continue to engage in active dialogue with traders and listen to feedback on the location and understand how the Council can further support them.

12. Equality, Diversity and Human Rights implications

- 12.1 An Equality Impact Assessment has been undertaken for the market and is shown in Appendix A. To ensure stall holders who are not able put up their own stall, the on-duty Neighbourhood Warden and Operatives will still be available to assist.

- 12.2 Relocating the market would mean we would no longer need to suspend blue badge parking on the High Street. Any traders on the High Street would use loading bays only which would have a positive impact for disabled people.
- 12.3 Culver Street West could be pedestrianised at a uniform time throughout the week, making it more accessible, safer and improves Air Quality.

13. Standard References

- 13.1 There are no references to consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

14. Strategic Plan References

- 14.1 A vibrant and successful market contributes to the Growth and Opportunity themes of the [Strategic Plan 2018-21](#).

15. Consultation

- 15.1 Consultation with existing stall holders has already been undertaken and the results have informed this decision. A statutory formal period of consultation with stall holders is required and will be conducted regarding the changes to the operation of the Market if this decision is finalised within four weeks,
- 15.2 Officers will put in place regular opportunities for public consultation and feedback on their experience of the market. This will feed into the ongoing review of its performance.

16. Publicity Considerations

- 16.1 The decision will be publicised widely using all usual communication channels, so customers of the Market are aware of any changes to the way it is operated.
- 16.2 Officers will work in collaboration, under the new agreement with Lion Walk to develop a marketing and communication campaign for the changes and a forward programme of activities.

17. Financial implications

- 17.1 Trial has arrested pressure on market income by more than doubling occupancy further development and increased occupancy will enable new budget to be met.
- 17.2 The total cost of erecting and taking down market stalls in staff cost is £56,000 per year although this is currently funded from the overall salary budget for Neighbourhood Service. If this was charged to the budget for the Market, it would make a net loss each year.
- 17.3 Service costs paid to the Tenant for the trial period November to December was £1,100 against a staffing saving of £3,300 in same period. Further savings as a result include repairs and maintenance of existing stalls, power.
- 17.4 Existing annual charges for waste collection, electricity and maintenance are likely to be reduced as a consequence of the proposed arrangement

18. Health, Wellbeing and Community Safety Implications

- 18.1 A vibrant and efficient Market can have positive health and wellbeing benefits. Anecdotally, we know that many older residents come to visit the market to shop and for the social engagement this method of shopping involves.

19. Health and Safety Implications

- 19.1 The Council's Health and Safety Officer has been consulted regarding the changes proposed by this report and is satisfied that with the safeguards referenced in this report, they are acceptable.

20. Risk Management Implications

- 20.1 The key health and safety and financial risks associated with this decision are detailed in the main body of the report.

21. Environmental and Sustainability Implications

- 21.1 Relocating the traders to a location that is removed from vehicles, traders will benefit from better air quality

Appendix A – Equality Impact Assessment

https://colch.sharepoint.com/:b:/t/Functions/Zones/Ope/ETQ1Kj3drt1Lr_H9UOjxu8MBiaAI1S_fASOv55e365hYqQ?e=RfQ9fR