

## Brixham Town Council

<b>Report No:</b>	09/2018		
<b>Report Type:</b>	Public		
<b>Title:</b>	Pannier Market		
<b>To:</b>	Town Hall Sub Committee	<b>Date:</b>	02.02.18
<b>Contact Officer:</b>	Brixham Town Clerk	Tracy Hallett	
<b>Contact Details:</b>	info@brixhamtowncouncil.gov.uk	01803 859678	

### Purpose of Report

To discuss the future of Brixham Pannier Market following the resignation of the Market Manger and consider further requests from the Pannier Market Traders.

### Background

Following the recent Town Hall Sub Committee (THSC) meeting held on the 12<sup>th</sup> January 2018 the Pannier Market Manager has handed her notice of resignation to the Clerk.

The Manager of the Pannier Market had signed a licence to occupy, which means in effect she has given notice to quit the Scala Hall from the 15<sup>th</sup> of February 2018. Sharon has notified the traders of her decision and it was agreed to hold a meeting with the Traders, the Manager and the Town Clerk to discuss the options for the future of the Pannier Market.

### Outcome from the meeting with the Traders

On Wednesday 23<sup>rd</sup> January the Clerk and Deputy Clerk attended a meeting in the Scala Hall prior to the opening of the Market. Traders were asked what support, if any, was required from Brixham Town Council to ensure the Pannier Market can continue trading after the licence to occupy expires on the 15<sup>th</sup> February 2018.

Traders indicated that nobody is willing to take over the role of Market Manager stating the licence to occupy is unreasonable. The Pannier Market traders have stated that they will leave if the following changes are not made to the licence:

1. Guaranteed set up Monday, Tuesday & Wednesday until 4:30pm. They have indicated that they are prepared to pay an additional £20 per night for this guarantee.
2. To remove Saturdays from the Licence to Occupy. Enabling them to book Saturdays throughout the year adhoc if the hall is available.
3. To find their own Market Manager.

It was clear throughout the meeting the traders are not prepared to accept the discretionary privilege allowing them to remain set up unless another booking is taken by the Town Council.

The following options are available to the Town Council:

#### Option A

- 1 The decision resolved at the last THSC meeting held on the 12<sup>th</sup> January 2018 remains: *To continue with the original agreement that the set up overnight remains discretionary with the exception of a Monday or Tuesday evening where they could remain set up overnight for an extra charge of £20 per week. This will remain as a temporary compromise until such time as the longer-term plans of the building are brought to forward.*
- 2 Consider removing Saturdays from the Licence to Occupy allowing adhoc bookings to be made when the hall is available. This will result in a reduction of income.
- 3 The Pannier Market find their own Manager who is willing to sign the Licence to Occupy and manage the market with effect from the 16<sup>th</sup> February 2018. Failure to appoint a manger by mid-day on the 15<sup>th</sup> February will result in no market.

## Effects on Income

Current Income from the Pannier Market:

Licence to Occupy *	£15,000
2 Car Park Spaces	£520
Additional Thursday Bookings	£800
<b>Annual Income</b>	<b>£16,320</b>

Income for option one above:

Licence to Occupy *	£15,000
Additional Monday or Tuesday overnight booking	£1,040
2 Car Park Spaces	£520
Additional Thursday Bookings	£800
<b>Annual Income</b>	<b>£17,360</b>

\*Monday to Wednesday each week, plus one Saturday per month

Income for option two above:

Licence to Occupy (excluding Saturdays**)	£14,040
2 Car Park Spaces	£520
<b>Annual Income</b>	<b>£14,560</b>

\*\*The Pannier Market, as stated above, have indicated that they would like to book Saturdays adhoc throughout the year and therefore this income could change.

## Recommendation

- That the Council does not revoke the decision made on the 12<sup>th</sup> January 2018 (Option A)
- Negotiate the removal of the Saturday's from the licence to occupy allowing the Pannier Market to book Saturdays adhoc.
- That the Pannier Market finds its own manager and the Licence to Occupy is signed by mid-day on the 15<sup>th</sup> February 2018.

## Option B

If the Pannier Market does not find a manager by 15<sup>th</sup> February or they do not agree with the proposals from the Town Council, this could mean the loss of a large income stream.

Currently, the Pannier Market is not a viable market with footfall being low and therefore traders are struggling to earn a sufficient income to cover their stalls. Having looked at successful markets such as Tavistock, Bideford and Barnstaple these are all run by an employed Market Manager / Reeve or a Town Centre Manager.

Tavistock, for example, is in a building but it has an outside feel. No heating, doors open, stone floor. Stallholders must abide by rules and regulations and within these conditions, it states that they have one hour and fifteen minutes to pack up their stall from the close of trading.

There is potential opportunity to bring the Pannier Market in line with the current concept sketches being discussed with THSC / Town Hall Innovation Working Group and help drive the start of the future plans for the Town Hall. Thereby increasing the viability of the market as well as the Town Hall.

It is therefore proposed that should the recommendations above not be accepted by the Pannier Market, the Town Council further investigates the viability of running a Market with a dedicated member of staff to ensure the viability of the market / Town Hall.

## **Example and for information purposes only**

### **TAVISTOCK TOWN COUNCIL TAVISTOCK PANNIER MARKET RULES & REGULATIONS**

*Tavistock Pannier Market is the premier market in the South West to which we welcome and encourage new traders who should apply to the Market Office for information about the various Market days, time, rents and where to attend for the allocation of a stall/table/pitch or lock-up.*

*The following Rules and Regulations govern the operation of the Tavistock Pannier Market and Market Operations in surrounding areas administered by the Tavistock Town Council. Specific additional rules apply to trading on Bedford Square.*

#### **Definitions**

Council	Tavistock Town Council
Town Clerk	The Clerk to Tavistock Town Council
General Manager	Person with overall responsibility for the Market and other Council Operations
Reeve	Pannier Market Reeve
Duty Officer	Any person so designated who has the Council's authority to act as a stand-in for the Market Reeve in their absence
Child	Any person who is 15 years of age or younger
TTC	Tavistock Town Council

#### **REGULATIONS APRIL 2014**

1. All traders must occupy their stall/pitch/table/lock-up by 9.00am (Saturdays 8.00am) After 9.30am (Saturdays 8.30am) the stall/pitch/table space may be re-let for that day. The late arriving regular may be allocated another stall/pitch/table if available, if not they will be turned away for that day
2. Traders are required to trade with stock in situ until 4.30pm
3. Traders are to vacate the Market Hall no later than one hour and fifteen minutes after the conclusion of the trading day
4. No assignment of a stall/pitch/table space/lock-up is allowed between traders
5. The Council will, as far as is practicable, ensure that regular traders are allocated the same stall/pitch/table space on each Market day
6. All refuse generated by traders from trading operations in the Pannier Market is to be placed by them in bins provided by the Council. No refuse is to be left at any time in the curtilage of the Traders stall. All cardboard boxes must be flattened and placed in the cardboard receptacle(s). Cardboard must not be cross contaminated with any other product (paper plastic etc)
7. Any trader generating "refuse" that falls outside the Council's Certificate of Registration under the Control of Pollution (Amendment) Act 1989 or any subsequent/revised Act shall be responsible for the prompt removal of such "refuse" at their own expense from the Market and its environs. If in doubt regarding what

constitutes acceptable rubbish, advice must be sought from the Market Reeve. Failure to abide by the Council's waste rules may cause a trader to be barred from trading

8. No trader shall keep any live animal, including pets, at their stall/pitch/table without the permission of the Market Reeve or the Duty Officer. Where a live animal is permitted by the Market Reeve it shall be securely tethered/safely secured and the trader shall provide, on demand, evidence to demonstrate that the animal is covered by their public liability insurance (see also Rule 15)
9. All facilities on the Market site belonging to the Council and provided for the use of the traders shall be used only for the purposes for which they are provided. The cost of repair occasioned by misuse or deliberate damage to the facilities by a trader will be recharged to that trader
10. No person shall without the permission of the Market Reeve or in the absence of the Market Reeve, or the Duty Officer, post or display any bill, placard or poster
11. All charges for the use of stalls/pitches/tables spaces shall be fixed by the Town Council only. All table space rates are unified, the Market Reeve and Duty Officer have no authority to vary these. Exceptionally, in extreme weather or other such events, the Market Reeve has the authority to do this after consulting the General Manager
12. Any trader not attending for three consecutive weeks without providing notification and receiving approval from the Market Reeve or the Duty Officer for such absence shall be deemed to have terminated their right to trade
13. Every trader shall accept full responsibility for, and indemnify the Council against all claims for personal injury, damage to property, nuisance and any other damage or expense by whomsoever the claim is made and from whatever cause arising out of or in connection with the use and occupation of the site allocated to him. Copies of Public Liability Insurance Certificates, and if requested by the Market Reeve, the relevant insurance schedule, must be available for inspection by the Market Reeve or the Duty Officer at all times. Upon annual renewal, a copy of the renewal certificate must be provided for the Market Reeve to keep on file
14. Traders may use a radio or amplification equipment (provided that it has been PAT tested) for their own quiet enjoyment but not to cause intrusion or nuisance to fellow traders or the public and not in any circumstance in such a way as to constitute a public performance. Any complaints made with regard to intrusion or nuisance shall be dealt with by the Market Reeve or the Duty Officer, his/her decision being final
15. Traders conducting from a stall/pitch/table space/lock-up a food business as defined in any current food hygiene regulations Laws and any subsequent legislation shall comply with such legislation. Any breach or breaches will make that trader liable for disqualification from trading within the Market. No such trader shall be permitted to be accompanied by a dog or other live animal
16. All fees/charges due shall be paid in full on demand to the Market Reeve or the Duty Officer, for which a receipt will be issued and retained for that day

17. All pitches and non-table space used will be charged for. During any Monday opening periods the Market Reeve may vary this regulation to encourage new traders and assist the commercial activities of the Market
18. Friday Market charges may be made on a square footage basis, covering the whole area of the trade site but excluding reasonable access to the site
19. Free use of any stall/pitch/table space not hired on any Market day (spreading) shall be at the discretion of the Market Reeve or the Duty Officer
20. Traders shall be entitled to four free weeks in any one financial year for the purpose of holidays. Written notice of at least fourteen days' prior to absence is required.
21. Regular pitch traders are obliged to give a minimum of fourteen days notice in writing to terminate their occupancy of a stall/pitch/table space
22. No trader shall make any material change in the class of goods sold as indicated in the List of Traders, without first obtaining the written permission of the Market Reeve or Duty Officer
23. Regular pitch traders shall pay rent for all absences other than the four weeks holiday allowance, whether they attend or not. Credit will be given when the stall/pitch is re-let for the day. The Market Reeve, after consulting the General Manager has exceptional powers to adjust payment in circumstances where compassionate or other grounds exist
24. All traders shall remove all their stock, fixtures and fittings from the Pannier Market Hall at the completion of the day's trading except at the discretion of the Market Reeve or the Duty Officer
25. All traders currently renting and trading stock from lock-up units shall secure their stock, fixtures and fittings within their lock-up at the completion of each day's trading except at the discretion of the Market Reeve or the Duty Officer
26. No person shall hawk or carry about any article for sale within the Market or any area administered by the Market without the permission of the Market Reeve or the Duty Officer or the appropriate charge being made
27. Any Parking Policy of the Council applying to the Pannier Market area perimeter road, which is a separate entity, shall be complied with
28. Market days may be varied or cancelled by virtue of Public Holidays or when deemed necessary, and shall not be held on Christmas Day, Boxing Day or New Year's Day
29. Aladdin's Cave/Saturday Markets – Any trader who attends these Markets regularly and who subsequently does not attend without giving reasonable notice may forfeit the regular use of these table spaces
30. No traders' children under the age of 13 shall be allowed in the Market without permission from the Market Reeve or the Duty Officer. Children (ages 13 to 15 years of age or younger) may only work in the Market during term times with the agreement of the local Education Authority, and during holiday periods in accordance with the relevant statutes. Guidance regarding this can be provided by the Market Reeve on request. In all cases relating to children, the Market Reeve's

decision is final. Any permission given may be revoked at any time by the Market Reeve if he/she feels there is good reason for this

31. No electrical equipment of any description is to be used in the Market without a PAT Certificate or proof that it is under a year old
32. Costume Theme Markets – Where the wearing of costume by traders is a feature, this then becomes a pre-requisite for trader attendance. Continual failure to comply with this pre-requisite will disqualify a trader from attending any such Costume Market
33. Regular traders must, unless prevented by good reason, inform the Market Reeve or the Duty Officer of their intention not to stand on any particular day or when annual holidays are taken, giving a minimum of twenty-four hours' notice
34. All traders must provide the Market Reeve or the Duty Officer with their names, addresses and telephone numbers. This information shall be available on demand to anyone legally empowered to request such information
35. Any trader who attends any Market regularly and who subsequently does not attend without giving reasonable notice will forfeit the regular use of these tables
36. Sickness: Any regular trader being absent through sickness will be required to keep the Market Reeve or the Duty Officer informed of progress. Such a trader shall only be charged half fee/charge for a maximum of four weeks (excluding the first week at the Market Reeve's discretion). If the stall is re-let a full rebate will be given. In the event of absence extending beyond four weeks, arrangements with regard to stall fees/charges and reserved occupancy shall be referred to the Market Reeve
37. Smoking. There is a no-smoking policy in all Council buildings. No-one may smoke in the Market Hall. No member of staff may smoke under the colonnades or in the Pannier Market surround
38. All traders shall comply with any reasonable instruction by the Market Reeve or the Duty Officer on all matters concerning the operation of the Market. Should any trader be dissatisfied, then written representation must be made to the General Manager in the first instance (with copies to the Traders' Representatives) and, if dissatisfied with the General Manager's ruling, appeal in writing to the Town Clerk. If still dissatisfied the trader may progress the matter through the Council's Complaints Procedure. Until such time as the trader is in receipt of a written decision concerning any appeal made under the Complaints Procedure, the Town Clerk's decision will stand
39. The final decision on the management and the use of the Pannier Market is vested in the Tavistock Town Council. In the event of a dispute about the interpretation of these Regulations the Council's decision will be final
40. Traders must at all times abide by normally accepted social standards and good conduct towards Council Staff, other traders and the general public. If traders cause such abuse, alarm or concern towards others, due to their actions, omissions or the goods/services they are providing, the Market Reeve, or in his absence the person deputising for him and always in conjunction with the General Manager, has the right to ban that person from trading on Council premises or on premises controlled by the Council. Any trader so banned may appeal in the same way as described

under Rule 38, but this appeal will not lift the ban which will remain in place until decided upon by the Council

41. No naked flame may be used for heating, lighting, cooking or for any other purposes within the Market Hall unless permission is given by the Market Reeve or the Council in writing. The Market Reeve and the Council will be guided by the TTC Safety Adviser and in consultation with our insurers who normally ban such activities
42. All Monday traders are to inform the Market Office if they are not trading on a particular Monday by noon on the preceding Saturday
43. These Regulations may be amended by the Council from time to time and will be communicated to all parties when changes occur
44. There is a requirement that all Market Traders shall conduct themselves whilst operating as a trader responsibly and lawfully. They are expected to exhibit a high degree of personal integrity, ethics and professionalism at all times when trading in and around the Pannier Market. Whilst doing so they are expected to abide by these Regulations
45. The Town Council reserves the right to terminate any licence to trade on reasonable grounds by giving a minimum of 14 days' notice in writing to the trader.

*The signing of these Regulations is in acceptance and agreement of compliance in their entirety:*

*Signed:* ..... *Date:* .....

*Trading Name:*.....