

Appendices
3



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Market Advisory Group - Consultation to update Terms of Reference
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	18th July 2018
Key Decision:	NO
Within Policy:	YES
Policy Document:	NO
Directorate:	Directorate of Customers and Communities
Accountable Cabinet Member:	Cllr Phil Larratt
Ward(s)	Castle Ward

1 Purpose

The purpose of the report is:

- 1.1 To advise Cabinet of the outcome of the recent consultation undertaken on the composition and Terms of Reference of the Market Advisory Group; and
- 1.2 To seek approval from Cabinet to amend the Terms of Reference and composition of the Market Advisory Group taking account of the recent consultation outcome.

2 Recommendations

- 2.1 That the results of the recent consultation with Market Traders (shown as Appendix 1) are considered and are taken into account in any final decision made by Cabinet and Council.
- 2.2 That to reflect the outcome of the consultation, subject to approval by Full Council of relevant changes to the Council's constitution, the Market Advisory Group's composition is changed as follows:-

- a) that the Chair be the Cabinet Member with responsibility for Market Liaison, (instead of an independent Chair nominated by the Leader of the Council);

and the Terms of Reference are further amended as follows:

- b) that reference is made to the group meeting biannually (instead of monthly); and
- c) that reference to the independent review of the market is removed as this has now been completed

as set out in the draft revised Terms of Reference at Appendix 2.

- 2.3 That Full Council is recommended to amend the Responsibility for Functions section in part 3 of the Constitution to amend the composition of the Market Advisory Group as referred to in paragraph 2.2a) above.
- 2.4 That Full Council is recommended to amend the Scheme of Delegations to Officers in the Constitution to delegate the powers currently delegated to the Town Centre Manager in respect of market matters (Part 8, Part B, paragraph 5.1), to the Markets Manager, as set out in Appendix 3.

3 Issues and Choices

3.1 Report Background

- 3.1.1 The Market Advisory Group was established in March 2012 following an independent review of the market.
- 3.1.2 The Market Advisory Group was established to work with market traders, the local business community and other key stakeholders to improve the viability and vitality of Northampton's Market.
- 3.1.3 The purpose of the Market Advisory Group was to advise the Leader of the Council and the Cabinet Member leading on Market Matters with regard to the governance, strategic direction and operational management of the Market.
- 3.1.4 The recommendations from the independent review of the Market carried out in 2012 have all now been implemented.
- 3.1.5 The composition of the Market Advisory Group is set out in the Constitution. It comprises, "three Members of the Council appointed broadly in line with political balance by the Chief Executive in consultation with the Leader of the Council and an independent person nominated by the Leader of the Council to be the Chair".
- 3.1.6 The current Terms of Reference of the Market Advisory Group state that the frequency of meetings will be monthly or as determined by the Chair and that lay members such as subject experts and local business proprietors will be co-

opted as necessary and appropriate. All traders currently have an open invitation to attend.

- 3.1.7 Northampton Borough Council commissioned a market health check by NABMA (National Association of British Market Authorities) in May of 2017 which recommended that the Market Advisory Group be reviewed as to its aims to make it more trader focussed.

3.2 Issues

- 3.2.1 Over the past two years, attendance at the Market Advisory Group has declined significantly and as a result the Cabinet Member with responsibility for market matters asked all traders and stakeholders to feedback so that the Market Advisory Group could understand the reason(s) for this.
- 3.2.2 Following the feedback received, a consultation exercise was undertaken with all market traders. The consultation exercise was carried out by the Market Officer speaking to each individual trader and recording their comments.
- 3.2.3 The details of the consultation questions and the results of the consultation are shown at Appendix 1.
- 3.2.4 The outcome from the consultation was that Market Traders supported a move from monthly meetings to bi-annual meetings chaired by the Cabinet Member with responsibility for Market Liaison.

3.3 Choices

3.3.1 Option 1

- a) Keep the existing Market Advisory Group composition and Terms of Reference.
- b) Advantages: This worked well following the 2012 Market review and the action plan developed was implemented successfully.
- c) Disadvantages: The Market Advisory Group has become poorly attended, lacking in direction and the market review recommendations have now been implemented.

3.3.2 Option 2

- a) Change the frequency of the meetings to Quarterly (from monthly), continue to invite all traders and have the meeting chaired by the Cabinet Member with responsibility for Market Liaison (instead of by an independent Chair nominated by the Leader of the Council).
- b) Advantages: This provides an opportunity to refresh the market strategy and to re-invigorate trader engagement.

- c) Disadvantages: The meetings would be too frequent for all traders to attend due to the long hours they work, distances they travel and having to make arrangements to look after their stock.

3.3.3 Option 3

- a) Change the frequency of the meetings to bi-annually (from monthly), invite all traders and have the meeting chaired by the Cabinet Member with responsibility for Market Liaison (instead of by an independent Chair nominated by the Leader of the Council).
- b) Advantages: This provides an opportunity to refresh the market strategy and to re-invigorate trader engagement. This is the preferred frequency for traders and aligns with their main trading periods at Christmas and summer and reflects the outcome of the recent consultation with traders.
- c) Option 3 is the preferred and recommended option. This is because the traders have been consulted and the majority (59%) support this option and it will increase trader engagement and provide an opportunity to refresh the market strategy.

3.3.4 Constitution

If Cabinet accepts the recommendation in paragraph 2.2 of this Report (ie Option 3), the Constitution will need to be amended to reflect the change in the composition of the Market Advisory Group. Cabinet is therefore recommended to recommend to Full Council that the Responsibility for Functions section in part 3 of the Constitution be amended to change the composition of the Market Advisory Group as referred to in paragraph 2.2a) of this Report.

3.3.5 Delegated Powers to Officers

It is further recommended that Full Council is recommended to amend the Scheme of Delegations to Officers in the Constitution to delegate the powers currently delegated to the Town Centre Manager in respect of market matters (Part 8, Part B, paragraph 5.1), to the Market Manager, as set out in Appendix 3.

The Market Manager now holds responsibility for the delivery of these duties and on a daily basis is present on the Market.

3.4 Next Steps

- 3.4.1 The Terms of Reference and Constitution will be amended if the recommendations are approved, subject to Full Council agreeing the change to the Constitution.
- 3.4.2 The first meeting of the Market Advisory Group will be planned to take place after the relevant Full Council Meeting.

4 Implications (including financial implications)

4.1 Policy

4.1.1 There are no policy implications arising from this report.

4.2 Resources and Risk

4.2.1 There are no financial implications arising from this report. The Market Advisory Group will make proposals that, if implemented may have resource implications. Such implications will be managed in accordance with the Council's financial procedures and any risks arising will be appropriately managed.

4.3 Legal

4.3.1 Cabinet has been asked to consider this report as the Market Advisory Group are responsible for advising the Executive. The recommended changes to the Constitution must be approved by Full Council.

4.4 Equality and Health

4.4.1 A Community Impact Assessment has been completed.

4.4.2 The consultation exercise was undertaken in a way that ensured it was accessible to all consultees. The Market Officer visited each trader to give them a copy of the consultation and to gather their responses.

4.4.3 Any actions arising from proposals made by the Market Advisory Group will be subject to appropriate equality impact assessment before and during implementation.

4.5 Consultees (Internal and External)

4.5.1 A consultation exercise was undertaken with stakeholders from the market to seek their views on the current Market Advisory Group, its effectiveness and any proposed changes. The findings of this consultation were taken full account of in the development of the proposed changes.

4.5.2 A further consultation exercise is currently underway in relation to determining the retail offer that people want from the market, as well as gathering information on how often people shop there and what additional products they would like to see sold in future. There is also an opportunity to suggest how the market could be made more attractive to potential new traders.

4.5.3 The results of the consultation exercise will be known by the end of July and will be used to inform future changes and developments through the Market Advisory Group and ensure that the market remains a key aspect of the town's retail offer.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 Improving the Market is an important component of the ambitious Town Centre regeneration programme.

4.7 Other Implications

4.7.1 None

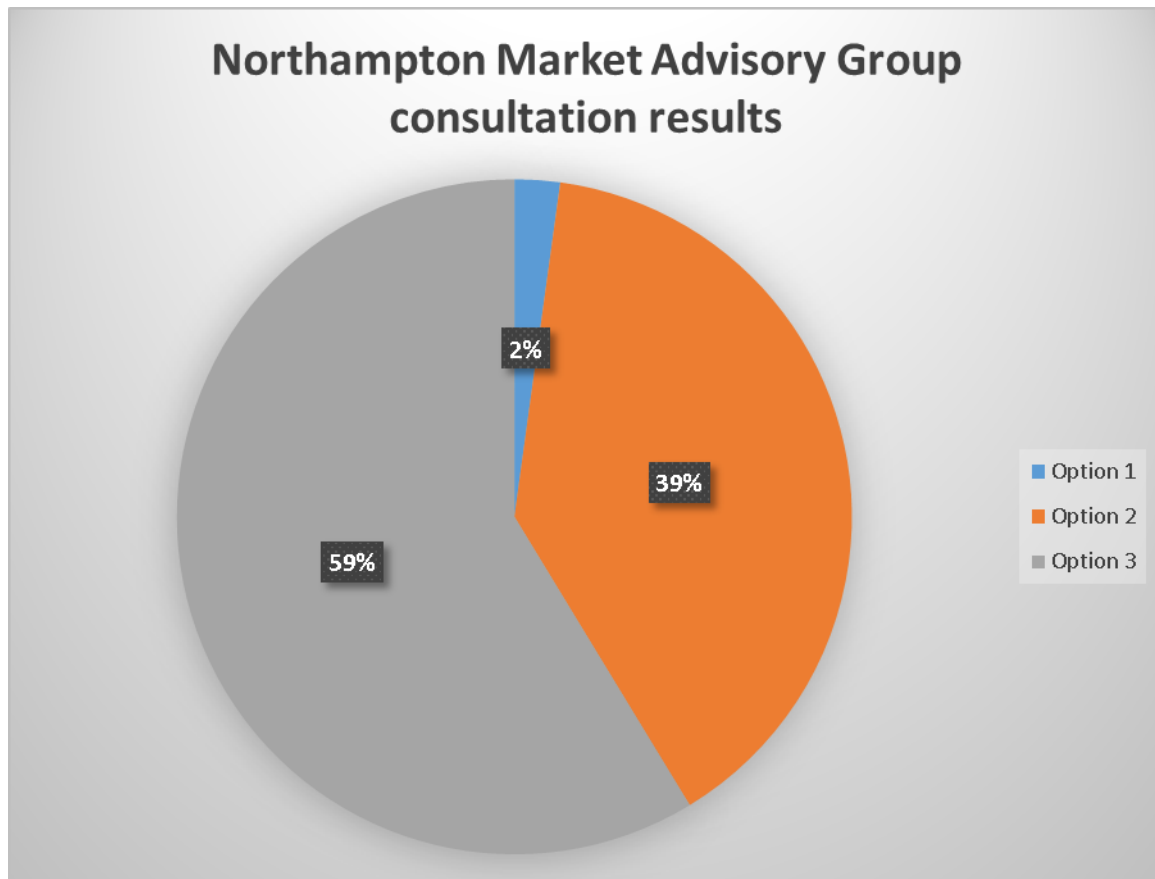
5 Background Papers

None

Julie Seddon
Director of Customers and Communities
Ext. 7402

Choice of options given to market traders with regard to the composition of the Markets Advisory Group

- a) Carry on with the existing Market Advisory Group in its current format
- b) Change to quarterly all trader meeting chaired by the incumbent Cabinet Member with responsibility for Market Liaison
- c) Change to bi-annual all trader meeting chaired by the incumbent Cabinet Member with responsibility for Market Liaison



Comments received in response to consultation with reference to the existing Markets Advisory Group arrangements

- I read with interest your letter dated November 28th 2017 (ref.: PL/CB/0426) regarding the MAG and the activities of [REDACTED]. I can state categorically that neither of these characters represent me or my views in any way, shape or form whatsoever! In fact, you would be hard-pressed to find anybody on the market who's views they do represent..
- The main problem with holding the MAG meetings after a work day is that people are tired and, in many cases, facing an awkward journey home. Those with families, of course, also have other responsibilities at home, too. I would suggest that the meetings somehow be incorporated into the working day, perhaps staggering it so that as many traders as wish to can attend in the comfort of knowing that their stall is safe and being looked-after. This might help. However, although I personally am not a fan of social media, I am conscious that it is the modern way of communicating to large numbers of people very quickly. This is surely an area that needs looking into and exploiting? [REDACTED]
- Thank you for your letter that you have sent to all traders. I am very concerned about this and asked for a copy of the agenda which I have now got and after reading this I can confirm that this agenda (that of the independent chair) is not my agenda and I was not spoken to by anyone to ask about the agenda. If I had of done I would not of asked for some of the points to be put on it and would not want them looking at either.
- It actually frightens me to think that the people that attended the last meetings are in charge of the meetings, giving ideas and making decisions about the market. They don't represent me and never ask me my views or ideas so it's a complete waste of time
- You were disappointed with the turnout at the MAG meeting on 22/11/2017 but surely not surprised. I have felt that for many years that MAG was little more than a self interest group than a forum for traders. Rather than reformed it should be scrapped and replaced.
- Maybe a return to the old NMTF (National Market Traders Federation) style of committee would make sense. I think [REDACTED] would be the ideal candidate to approach to arrange this. His family have traded here for over 100 years so he is technically the longest serving trader and [REDACTED] is still young enough to have an active interest in the future of the market
- I would like to make clear that NO-ONE represents me or my views, and I have never been shown or informed of any agenda concerning the market. My only agenda is to keep my business trading on the market.
- I was unaware of the meeting until the afternoon on the actual day and was unable to attend. I did attend one a few months ago, but felt disillusioned afterwards!

- I feel that meetings are poorly attended because historically nothing happens quick enough! and everyone who attends only has their interests at heart.

Recommended changes to the Scheme of Delegations to Officers in the Constitution - Extract from Part 8, Part B

Current

5. TOWN CENTRE MANAGER

5.1 Market

5.1.1 The taking of such action as is required or is incidental to the market function **(except the determination of the annual markets rents review)** and without prejudice to the generality of the foregoing:

5.1.1 Allocating stalls and pitches on the Council's markets; and

5.1.2 Suspension of Traders' Licences for a period of seven days in respect of persistent breaches of market regulations, following a written warning and consideration of each case on its merits.

5.2 Car Parking

5.2.1 The taking of such action as is required or is incidental to the Council's car parking functions.

5.2.2 The taking of such action and the serving of all necessary documentation as may be incidental to the functions of the Council pursuant to the Road Traffic Act 1991.

Recommended - To be recommended to Full Council

5A MARKETS MANAGER

5.1 Markets

5.1.1 The taking of such action as is required or is incidental to the market function **(except the determination of the annual markets rents review)** and without prejudice to the generality of the foregoing:

5.1.1 Allocating stalls and pitches on the Council's markets; and

5.1.2 Suspension of Traders' Licences for a period of seven days in respect of persistent breaches of market regulations, following a written warning and consideration of each case on its merits.

5B TOWN CENTRE MANAGER

5.2 Car Parking

- 5.2.1 The taking of such action as is required or is incidental to the Council's car parking functions.
- 5.2.2 The taking of such action and the serving of all necessary documentation as may be incidental to the functions of the Council pursuant to the Road Traffic Act 1991.