

MINUTES of the meeting of Community Services Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 11 March 2009 at 9.30 am

Present: Councillor TM James (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: GFM Dawe, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, G Lucas, JE Pemberton, RH Smith and PJ Watts

In attendance: Councillors

90. APOLOGIES FOR ABSENCE

Apologies were received from Councillor DJ Benjamin, B Durkin, DW Greenow and PM Morgan.

91. NAMED SUBSTITUTES

Councillor G Lucas substituted for Councillor DW Greenow, Councillor MD Lloyd-Hayes substituted for Councillor DJ Benjamin, Councillor JE Pemberton substituted for Councillor B Durkin and Councillor PJ Watts substituted for Councillor PM Morgan.

92. DECLARATIONS OF INTEREST

Name	Item	Interest
Councillor AJM Blackshaw	11: Call-in of the Open Retail Market	Personal – Hereford City Partnership
Councillor TM James	11: as above	Personal – Hereford City Partnership
Councillor MAF Hubbard	11: as above	Personal – Hereford City Partnership
Councillor	11: as above	Personal – Hereford City Partnership

93. MINUTES

RESOLVED: That the minutes for the meeting held on 12 December 2008, be approved as a correct record and signed by the Chairman.

94. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

There were no suggestions for scrutiny.

95. CALL IN OF THE CABINET DECISION ON THE RELOCATION OF THE HEREFORD OPEN RETAIL MARKET

The Chairman opened the debate on the Open Retail Market by asking the Cabinet Member (Economic Development and Community Services) to put forward his case.

The Cabinet Member reported that the subject of the Open Retail Market had been

discussed at length at Cabinet on the 19th February 2009 before a decision had been made. Prior to this meeting, there had also been a site visit to Commercial Street with Officers and members of the Hereford City Partnership to view the intended venue for the re-located Open Retail Market.

As a result of these discussions, four main alterations had been made to the original proposal:

- That the move of the market to High Town would be only be undertaken as part of a one year trial which would be followed by a detailed study of the effectiveness of the new arrangements.
- That a retail impact study would be undertaken as part of the trial exercise.
- There would be a thorough review of the strategy surrounding the policy of selecting new stallholders and the quality of the retail offered as well as its geographical origin. The first draft of this strategy had been put together and would be discussed with the Hereford City Partnership. The Partnership would also be involved in the selection of stallholders.
- The Council would consider using Experion, the footfall performance measuring solutions company, to analyse the impact of the Open Retail Market and any other activity in High Town on the Butter Market in High Town.

The Chairman thanked the Cabinet Member for his contribution, and invited the Acting Head of Environmental Health and Trading Standards to comment on any additional areas that had not been covered by the Cabinet Member.

The Acting Head of Environmental Health and Trading Standards reported that the issues that had been raised in the Call-in document had been considered in detail:

- The concern that shop fronts would be obscured had been addressed by the decision to position stalls a further 1 metre out, so that they would now be 3.3m from shop fronts.
- The draft Allocations Policy had been developed over the last week, and signed off by the Cabinet Member, Economic Development and Community Services.
- The proposal was timely, given the current economic climate, as it would help to energise the City centre, and encourage businesses to invest in the City.
- In reply to a question from a Member, he said that twenty five units were proposed, not all of which would be held by individual stall holders.

The Chairman thanked the Acting Head of Environmental Health and Trading Standards for his contribution, and invited the Central Ward Member to speak on behalf of the Members who had called the Decision in.

The Central Ward Member said that he was a great supporter of street markets, and did believe that they brought vibrancy to city centres. He was concerned, however, that the consultation process that had been undertaken to support the report to Cabinet regarding the relocation of the Open Retail Market was flawed. The interpretation of the data from the exercise left much to be desired, and he believed that it was inappropriate that the 107 people who did not respond should be taken as being in favour of the retail market.

He believed that mistakes had also been made in the collection of data. Two letters had been sent by the Buttermarket Independent Traders Association which had stated that the majority of traders were opposed to the relocated market. The report to Cabinet indicated that no response had been received from the Buttermarket traders. The Herefordshire Farmers Market Group had apparently been considered to be in favour of the move, despite having expressed their opposition.

He questioned why the opinion of the Parks and Countryside Service had been solicited, as the area of the City in question did not fall under their remit. He went on to say that the Museum's Service did have concerns regarding the location of stalls near the Old House, as they had invested in signage that would be obscured.

The Central Ward Member went on to say that had concerns as to whether the proposals truly reflected the relocation of the present Open Retail Market, or the creation of a new one and it was important that there should be a Quality Stalls policy as well as a Stalls Allocation Policy. It was clear following his visit to the existing market that not all the traders would be relocated in the proposed new site. Two of the most popular stalls, the butcher and the plant stall, required too much space to be able to trade in Commercial Street. Of the ten stall holders who traded regularly, only seven were planning to move to the new site. A national advertising campaign had invited submissions of interest from potential stallholders, and he did not believe that this was an appropriate way to support either the market or the County.

He went on to say that that he had attended the public consultation meeting and had listened to the concerns expressed but had been unable to reach a conclusion on the proposals based on the discussions. He felt that the case put forward by the Council was not realistic, and that presenting people with pictures of existing markets in different towns was not an appropriate way to further the debate.

The Central Ward Member added that the traders in the Buttermarket had to pay rent, business rates and electricity charges. It was not clear what traders who might be travelling from as far away as Birmingham would be charged, but they did not appear to be paying either business rates or electricity charges. This position reflected the view that the new market would offer unfair competition to the Buttermarket traders.

In reply to a question from a Member, the Cabinet Member (Economic Development and Community Services) said that there would be a meeting with the owners of Maylords Orchards, DRE Property Services Ltd, in which the suggestion of locating some of the market stalls in Trinity Square would be discussed.

In reply to the concerns that had been raised by Members, the Cabinet Member said that he did not consider competition to necessarily be a matter for concern. He pointed out that there were currently fifty empty retail units in the City, and that a market, which would only serve to increase the footfall and vibrancy within the City centre, would help to revitalise the interest in these units. He did not believe that it would damage the existing retail offer.

In reply to the concerns raised by the Chairman of the Hereford Buttermarket Independent Traders Association in his letter submitted to the Committee, the Cabinet Member reiterated that the relocation of the Open Retail Market would only be undertaken on the basis of a one year trial. Monitoring of the trial period should address the concerns that had been raised. He believed that the two markets could be complimentary, and would not necessarily conflict with each other. The daily charge for electricity made by the Council to stallholders was available on the

Council Website.

In reply to concerns expressed in an email from Herefordshire Farmers' Market Group that the Open Retail Market would not sit well with the Farmers Market, the Cabinet Member pointed out that the latter was only held monthly. He did believe that the matter highlighted broader issues relating to the sale of food and drink that should be looked into.

Mr New of New Markets Solutions was invited to address the meeting. Mr New said that he believed that it was a misrepresentation to assume that the types of trading from indoor and outdoor markets were not compatible, and that the retail offer would be different from that on offer in the Buttermarket or Maylords. He went on to point out that the cost of business rates was factored into the charge that was made for the rental of the stall. The Council would charge £30 a day for a 10' x 10' stall. The Buttermarket traders were charged £47 per square foot per annum, which worked out as £8 a day factored over six days a week trading through the year. The Open Retail Market traders would be charged almost twice this, at £15.60 per square foot per day.

A Member stated that he supported the call-in as it served to demonstrate the importance of the role of elected Members in the formulation of policy, but said that he felt that the debate had become fragmented. He suggested that the role of the Buttermarket should be put to one side and focus placed on the existing Open Retail Market. The present market was both rundown and inconveniently placed and was unlikely to thrive. He felt that, bearing in mind the needs of the Edgar Street Development, the market should move into the City centre.

In the ensuing discussion, Members raised the following points:

- That the retail impact assessment should not take place during the trial period but should have been undertaken before the decision to move the market was made.
- That the question of impedance of both pedestrians and vehicles should be more carefully considered, as the placing of stalls would create pinch points.
- That consideration should be made to placing the market elsewhere in the centre in order to spread the footfall throughout the City.
- It was important that the existing shops in High town should not be affected. Consideration should be given to reducing the number of stalls in order to ensure that shop fronts were not obscured.
- That no stalls should be placed around the Old House, as they would detract from the visitor experience.
- That care should be exercised when placing stalls near Starbucks, as the shop was a draw for tourists and residents alike. Stalls beside the Old House would impact on the disabled access to the shop.

In reply, the Acting Head of Environmental Health and Trading Standards said that it was important to offer stallholders a prime location, otherwise it would be difficult to attract traders. He added that whilst it was intended that there should be 25 stalls, it was likely that there would only be twelve or thirteen traders. It was now intended that the Open Retail Market stalls in High Town would be a further metre from the shop fronts. This would mean that there would be a gap of 3.3m between shop

fronts and stalls.

The current market was not successful, and it should be borne in mind that there had been twenty two new traders on site over the last year, of which none had lasted more than eight weeks.

The City Centre Manager said that she was concerned that the market would be trading from 9am to 4 pm. Commercial Street was open for traffic until 10.30 am, and a number of shops had to receive deliveries through their front doors. As a consequence, Commercial Street was full of delivery vans until well after that time.

A Member pointed out that given the size of capital works that were planned in the City, with works on the Cathedral and the Edgar Street Project, care should be given to ensuring that the Old House, a prime tourist site, was not compromised by the market proposal. He asked whether consideration had been given to using elements of Broad Street for the market as an alternative site.

Mr New replied that a SWOT analysis of Broad Street had been undertaken, and as it was not fundamentally a retail area it was considered inappropriate as an alternative site for the market. The Manager, Markets & Fairs and Street Trading added that if the market was to be sited in Broad Street, the road would have to be closed, causing considerable congestion. Parking places in the City would also be lost, as the spaces in Broad Street would not be accessible. The market would cease to be seen as a positive draw for people, but a hindrance to the business of the City.

In reply to concerns expressed over the robustness of the consultation process, the Principal Research Officer said that the Council's corporate guidelines were followed in detail for the consultation process. Eight weeks had been provided for replies, which was an adequate time period. There was a clear and organised audit trail for the process, and concerns and responses were documented. None of the traders had replied within the consultation period, which made it difficult for the decision makers to respond to their concerns. She believed that the interpretation of the results was reasonable and the process robust, although people who did not respond were usually treated as being 'no data', rather than in favour. The surveys had been hand delivered by members of the Markets & Fairs Team.

Mr L Tawn, the Chairman of the Hereford Buttermarket Independent Traders Association addressed the Committee. He said that he was concerned about the traffic congestion problems that would be encountered from 9am to 10.30am and did not feel that the issue had been fully addressed. There would be, by the nature of the positioning of the Open Retail Market, unfair competition. This issue of unfair competition had not been addressed in the debate, and that was the fact that the best selling space for any retailer was in front of the customer. Traders in the Buttermarket had to rely on customers coming through the front door. Traders in the Open Retail Market would have a four sided shop window with excellent location and footfall.

In the ensuing discussion, the following points were made:

- That the council owed a duty of care to the traders in the Buttermarket during the period of redevelopment.
- That Buttermarket stallholders paid business rates, whilst those who took up stall in the Open Retail Market would not.

The Manager, Markets & Fairs and Street Trading replied to these concerns and said

that street traders were in a different legal position from those in the Buttermarket, but that the rent that they would be charged would provide parity with the traders in the Buttermarket.

RESOLVED:

That;

- a) **The Committee endorses the Cabinet decision to relocate the Open Retail Market into Commercial Street, and notes and welcomes the intention to develop a quality stalls policy and the stall allocation policy, in close consultation with the Hereford City Partnership, before the market opens in its new location.**
- b) **The Committee invites the Cabinet Member to review the precise location of stalls in order to facilitate the free flow of customers, especially around the Old House, and to minimise any adverse impact on existing business.**

and;

- c) **The Committee requests that an updated report should be submitted within two months of the market re-opening, and how the potential problems regarding delivery vehicles have been resolved.**

The meeting ended at 11.50 am

CHAIRMAN