	REPORT TO CABINET TO BE HELD ON 12 MARCH 2019
	Key Decision Forward Plan Ref No
Corporate Priority: Place Prosperity	Cabinet Portfolio Holder <p style="margin-left: 100px;">Cllr Bill Chatt Portfolio Holder for Public Health & Housing</p>

REPORT OF THE DIRECTOR (RB) – 19/071

WARDS AFFECTED: ALL IN WHITBY

SUBJECT: WHITBY MARKET REVIEW

RECOMMENDATION (S):

It is recommended that Cabinet:

- 1) Approve the recommended operational changes to Whitby market including revised trading activity, regulations and agreements.
- 2) Authorise officers to undertake feasibility studies to enhance the facilities and image of Whitby market.
- 3) Authorise Officers to begin dialogue with Whitby Town Council and other stakeholders with regards to the future management of Whitby market.
- 4) Authorise Officers to work with Whitby Town Council to explore and secure funding options for the old Town Hall building

REASON FOR RECOMMENDATION (S):

- 1) To achieve clearly defined operational parameters for Whitby market
- 2) To improve the visual appearance and attractiveness of Whitby market for traders, residents and visitors alike

HIGHLIGHTED RISKS:

As shown in Appendix A.

1. INTRODUCTION

- 1.1 A review of Whitby market has been undertaken to assess the current operation and performance and to identify and implement changes, new activity and investment to ensure operations are appropriate, sustainable and beneficial to the entire town of Whitby and the wider Borough.
- 1.2 This report seeks approval of Cabinet to implement the recommended changes to the operation of Whitby market and authority to proceed with the next phase of the review.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The proposed changes will underpin the following key aims of the Council's Corporate Plan:
 - **Place** - to protect and improve our environment, now and for the future
 - **Prosperity** – to develop a prosperous and innovative Borough, with a highly skilled and aspirational workforce

3. BACKGROUND AND ISSUES

- 3.1 Whitby open market takes place in the historic Market Place in front of the Grade II* Old Town Hall building. The Old Town Hall building was most recently used as an art gallery but has stood empty for a number of years and is not considered suitable for occupation in its current state.
- 3.2 Following the appointment of a Market Superintendent in April 2018, the Council commenced a fresh review of operations at Whitby market.
- 3.3 The review was broken down into 3 phases:
 - Phase 1 – to ensure conformity of existing operations to regulations and legislation and put in place management protocols as necessary to ensure compliance

- Phase 2 - develop market operations to improve the viability and appeal of Whitby market to customers and traders
- Phase 3 - develop longer term business and investment activities for Whitby market including potential development of facilities

3.4 Our review found that procedures and protocols with regards to the operation of the market were lacking consistency and documentation was not being accurately maintained.

3.5 As part of the 1st phase of the review, in July 2018 a number of changes were introduced with immediate effect to ensure compliance with procedures. The changes implemented during this phase were:

- Trading activity to be managed by the Market Superintendent
- All traders were re-registered with the Council
- All traders were required to submit proof of adequate public liability insurance
- A new booking and payment procedure was introduced

3.6 It was agreed that whilst the review of Whitby market was undertaken and completed, traders could continue to trade up to 7 days per week.

3.7 For the 2nd phase of the review, the Council looked at the current facilities available to traders and carried out consultation exercises to seek the views of market traders, local businesses and members of the public on how to improve the viability and sustainability of the market.

3.8 The facilities at Whitby Market are very limited. The street lighting in the Market Place is poor and during winter months when the days get shorter, traders have to cut short their trading day because it is not safe to continue to operate in poor lighting conditions. There is no electricity that the traders can access in order to allow them to have some form of lighting on their stalls.

3.9 Another issue faced by traders is the lack of anchor points. Anchor points allow for traders to secure their stalls and limit the risk of accidents occurring. On trading days when strong winds are expected, some traders are unable to stand to trade which not only affects their livelihood but it has a knock effect for the whole market.

4.0 CONSULTATION

4.1 Extensive consultation has been undertaken during the 2nd phase of the Whitby market review. A consultation questionnaire was produced for the 'general public' and a specific questionnaire was produced for the traders of Whitby market.

4.2 The questionnaire could be accessed on the Council's website and was also distributed to the following groups:

- Residents panel
- Business panel
- Parish Councils

4.3 Hard copies of the questionnaire were made available at the following locations along with ballot boxes where completed questionnaires could be returned:

- Church House, Flowergate, Whitby
- Green Lane Centre, Whitby
- Whitby Pavilion, West Cliff, Whitby
- Whitby Market Place, Whitby

4.4 In addition, two consultation meetings were also held in Whitby; one for traders and one for local businesses in the vicinity of Market Place, Whitby.

4.5 Following the end of the consultation period a consultation report was produced for each of the questionnaires (attached at Appendix 1) and combined with the feedback received at both of the consultation meetings a number of recommendations were produced.

4.6 Officers have written to all traders and the local business consultees who attended the consultation meetings notifying them of our proposed recommendations for Whitby market and invited further feedback on these.

4.7 In addition to the consultation exercises, the Council also received a petition signed by 700+ residents and visitors which stated 'This petition seeks to keep the Market trading days and hours as they currently are. Not to be changed to just a two day week - Tuesday and Saturday. We the undersigned petition Scarborough Council to keep Whitby Market a daily market'.

4.8 Following receipt of the petition the organiser confirmed to the Council that it was sufficient that the petition was brought to the attention of the Council's Cabinet and for their concerns to be noted through this route.

5.0 ASSESSMENT

5.1 It is the aim of the Council's Regeneration Service to establish a vibrant market that provides a safe and healthy market for traders and provides another reason for residents and visitors to enjoy the town of Whitby.

5.2 A core outcome of this review is managing the balance between market trading and its impact on other stakeholders including residents, visitors and other established local shops and businesses in the area. Therefore in order

to strike a reasonable balance between these interests, the Council has proposed a set of recommendations as follows:

To be implemented by w/c Monday 15th April 2019

- Market trading days to be set at Tuesday, Saturday and Sunday.
- A set of Open Market Regulations to be produced to provide clarity to all traders.
- Pitch fees for market traders to remain unchanged for the 2019 season.
- Specialist / themed markets to be held on Thursdays subject to arrangement.
- The operation of café seating concessions within the market square on non-market days i.e. Monday, Wednesday & Friday
- New trading agreements produced for all traders
- Marketing, social media campaign and signage for the market
- Commence a feasibility study into electricity & lighting options and anchor points

Summer 2019

- Implementation of electricity, lighting and tie down points (subject to results of the feasibility study)
- Work in partnership with Whitby Town Council (WTC) to explore funding options for the restoration of the Town Hall building
- Commence dialogue with WTC and/or other stakeholders in relation to the future operational management of the market.

Longer Term (12-18months)

- Subject to feasibility, funding and negotiations to implement the above

Market trading days

- 5.3 The setting of market trading days has been drafted to reflect the overall trend exhibited by the traders through the consultation exercise, i.e. there was a predominance of existing market traders using the site on Tuesday, Saturday and Sunday. When coupled with the need to rationalise and balance market trading days within the wider context of other stakeholders' interests these trading days are considered to be the most appropriate.

Open Market Regulations and Trader Agreements

- 5.4 Present trader agreements are outdated and there are no clear open market regulations in force providing guidance for traders. In order to bring Whitby market in line with recommended practice new open market regulations have been drafted and sent to traders for comment. These will form the basis of the new trader agreements which will be issued to all regular traders. (Draft Open Market Regulations can be found at Appendix 2).

- 5.5 Pitch fees currently stand at £16 per pitch per day and will remain the same for 2019 in order to allow time for the proposed changes and improvements to come into effect.

Farmers Market

- 5.6 A Farmer's Market currently operates on Thursday of each week by way of a separate agreement. Consultation results showed that members of the public would like to see a farmers and/or specialist market taking place in the Market Place in order to provide more diversity in the products available. It is proposed Thursdays remain reserved for farmers/specialist markets, initially to be held monthly.
- 5.7 Officers are in the process of benchmarking with similar farmers markets in the region and subject to approval will carry out a tender exercise to appoint a new operator for the 2019 season.

Café Seating and Tables

- 5.8 Café concessions (tables and chairs) already operate within Market Place on Mondays, Wednesdays and Fridays however, it is proposed to extend the area utilised for café concessions to formally incorporate the area underneath the Old Town Hall building. The Market Place and space underneath the Old Town Building will be divided into four 'pitches'. (See Appendix 3 for Café concession areas)
- 5.9 The concessions will be available on a 1yr Licence Agreement and applications will be invited from café operators within the vicinity of Market Place. The Licence fee for each pitch will be set based upon an equivalent market pitch fee pricing structure.

Feasibility of additional facilities

- 5.10 Key findings from the consultation showed that traders would like to see a range of improvements in facilities at the market including electricity, lighting, anchor points, access to free toilets and hand washing facilities. Lack of lighting in the Market Place was also emphasised in the public consultation results.
- 5.11 The location and historic importance of the Market Place and the Grade II* Old Town Hall Building presents a range of issues when considering what improvements can be made to the service infrastructure.
- 5.12 Officers will need to work closely with the Planning Authority and Heritage England to identify possible solutions for providing electricity, lighting and anchor points that are in keeping with the area.
- 5.13 The consultation also highlighted that there is no signage within Whitby guiding visitors to the fact that Whitby has an outdoor market or indeed to the Old Town Hall building. Whitby market also has no online or social media presence. Officers will seek to rectify the latter two issues with the creation of a Facebook page and information on the market being provided on the Council's websites. Signage in the area is more difficult to achieve. The

Council's current fingerpost signage is aging. Adding a 'finger' to these signs for Whitby market is not feasible or cost efficient. Officers have identified two possible signage locations and will make relevant enquiries to take one of these options forward. Depending on the outcome of these enquiries, there may be a small cost to the Council to produce and install a sign and officers will look to fund this from the current markets revenue budget.

Town Hall Building and Whitby Town Council (WTC)

- 5.14 The old Town Hall building currently lies empty and is in need of renovation to bring it back into active use. WTC have previously expressed an interest in the building and on the 7th February 2019 wrote to the Borough Council to confirm that they would ***“welcome the opportunity to enter into a dialogue with SBC and other stakeholders regarding the future operation of the market and explore the funding options for the regeneration of the Town Hall”***. Subject to the approval of Cabinet, Officers will therefore commence discussions with WTC both in relation to the future management of Whitby market and the regeneration of the Old Town Hall Building.

6. IMPLICATIONS

(a) Policy

- 6.1 There are no policy implications

(b) Financial

- 6.2 Depending on the results of the feasibility studies into electricity, lighting and anchor points there may be some costs involved with the implementation of improvements. There may also be financial implications associated with the outcome of discussions with WTC and other stakeholders. These will be subject to future reports to members.

(c) Risk

- 6.3 The risks which may arise from this project are as set out in the attached Risk Register.

(d) Legal

- 6.4 Legal implications are set out in the body of this report.
- 6.5 Officers will take advice from the Council's Legal Service in relation to the implementation of the recommendations.

(e) Staffing

- 6.6 There are no staffing implications

(f) Planning

6.7 There are no planning implications at this time. Any proposals for renovation of the Town Hall, installation of lighting and / or electricity supply and signage will be undertaken in consultation with the planning department.

(g) Others

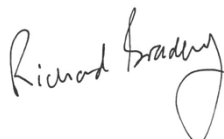
6.8 I have considered whether the following implications arise from this report and am satisfied that there is no adverse identified implications that will arise from this decision.

Equalities and Diversity, Crime and Disorder, Health and Safety.

8. ACTION PLAN

8.1 An outline timetable for the recommended changes is as follows:

Action	Date
<ul style="list-style-type: none">• Implementation of new trading days & issue of new trader agreements	w/c Monday 15 April 2019
<ul style="list-style-type: none">• Commencement of Licence for Café concessions	w/c Monday 15 April 2019
<ul style="list-style-type: none">• Begin social media, marketing and signage campaign for Whitby market	w/c Monday 15 April 2019
<ul style="list-style-type: none">• Commence dialogue with Whitby Town Council and other stakeholders in relation to the future management of Whitby market	April 2019
<ul style="list-style-type: none">• Implementation of electricity, lighting and anchor points subject to results of feasibility	End of summer 2019
<ul style="list-style-type: none">• Explore funding options with Whitby Town Council for restoration of Old Town Hall building	Summer 2019



Richard Bradley
Director

Author: Kerry Levitt
Telephone No: 01723 232325
E-mail address: kerry.levitt@scarborough.gov.uk

Background Papers:

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT KERRY LEVITT ON 01723 232325 or e-mail kerry.levitt@scarborough.gov.uk

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	March 2019	Failure to implement changes to the operation of Whitby Market	Whitby market will not be in a position to move forward positively to achieving greater vibrancy and success.	This review	C3	B2	A Richards	Implement recommendations of report
2	March 2019	Unable to find suitable solutions for the supply of electricity and lighting	Traders may look at moving to alternative markets where better facilities are available	Liaise closely with Heritage England and the Planning Authority.	C3	B2	A Richards	Undertake feasibility study by summer 2019
3	March 2019	Failure to obtain funding to renovate the Old Town Hall building	The Old Town Hall building will fall into further disrepair	To work in partnership with Whitby Town Council to explore all possible sources of funding	C4	A1	A Richards	Seek funding during 2019

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5	[Hatched]				
	4	[White]	[White]	[Hatched]		
	3	[Grey]	[White]	[White]	[Hatched]	
	2	[Grey]	[Grey]	[White]	[White]	[Hatched]
	1	[Grey]	[Grey]	[Grey]	[White]	[White]
		A	B	C	D	E
	Likelihood					

Likelihood:

- A = Very Low
- B = Not Likely
- C = Likely
- D = Very Likely
- E = Almost Certain

Impact

- 1 = Low
- 2 = Minor
- 3 = Medium
- 4 = Major
- 5 = Disaster