

## MARKET PLACE AGREEMENT

**Head of Service/Contact:** Damian Roberts, Chief Operating Officer,  
Ian Dyer, Head of Operational Services

**Urgent Decision?(yes/no)** No

**If yes, reason urgent decision required:**

**Annexes/Appendices (attached):** Annex 1: Market Place Agency Agreement

**Other available papers (not attached):**

### Report summary

This report sets out the terms of the proposed Market Place Agreement with Surrey County Council. The agreement will enable Epsom and Ewell Borough Council to exercise much greater day to day control over how the Market Place is managed as part of encouraging and facilitating more market trading, income generation and cultural activities.

### Recommendation (s)

#### The Committee to:

- (1) agree that this Council enters into an agreement with Surrey County Council for the day to day management of the Market Place on the terms set out in the Market Place Agreement contained in Annex 1.
- (2) delegate to the Chief Operating Officer and the Chief Legal Officer, in consultation with the Chairman of Strategy and Resources, the conclusion of the negotiations with Surrey County Council and any associated final drafting changes.
- (3) delegate to the Chief Operating Officer the power to implement and maintain the Market Place Agreement.

## 1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

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- 1.1 The Market Place forms a central part of the wider Plan E programme and contributes directly to all the themes in the new Vision for Epsom and Ewell and the Council's new Four Year Plan, namely:

### 1.1.1 Green and Vibrant

Improvements that help bring the Town Centre to life, with higher quality public realm, new paving and street furniture. Promoting greater sustainability with new tree planting in larger tree pits, a new drinking fountain, recycling bins, LED lighting and activities such as food markets that promote the borough as a green and vibrant place.

### 1.1.2 Economy and Prosperity

Promotes local businesses and more trading opportunities in the Market Place and provides a good basis for attracting further business investment at a time of increasing competition and changing retail behaviour.

### 1.1.3 Safe and Well

Having a functional, safe, well managed and attractive town centre and Market Place environment that enables everyone to enjoy what is on offer.

### 1.1.4 Cultural and Creative

Promoting a distinct identity for the borough that includes public art, cultural and civic events, that encourages shoppers and visitor footfall into the area.

### 1.1.5 Smart and Connected

Addressing congestion, providing additional cycle stands, better signage including street maps to promote walking, and offering a clearer, more unified and joined-up approach to the management and promotion of the Market Place to support higher levels of use.

### 1.1.6 Effective Council

Plan E has brought inward investment into the borough from a number of external sources, including the Coast to Capital Local Enterprise Partnership (LEP) (£2.7 million), National Productivity Investment Fund (NPIF) Grant of £1.2 million, and up to £1.27million from Surrey County

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Council. The partnership agreement recommended in this report would enable the Borough Council to more effectively manage the success of the Market Place and better ensure that it delivers on its potential.

## 2 Background

- 2.1 Epsom Market Place is located in Epsom High Street by the Borough's landmark Clock Tower. The Market Place has an extraordinarily long history, dating back to the first year of the reign of James II, in 1685. The Market Place is therefore widely accepted as one of the defining characteristics of the Borough.
- 2.2 The refurbishment and improvement of the Market Place forms part of Plan E, one of the largest infrastructure schemes to be undertaken in Epsom and Ewell in recent years and has been almost a decade in gestation.
- 2.3 Plan E refers to the Area Action Plan (AAP) formally adopted by the Borough Council in April 2011 following significant public and stakeholder consultation.
- 2.4 At the meeting of the Strategy and Resources Committee on 24 October 2018, Members agreed to allocate Community Infrastructure Levy (CIL) Funding to enable the refurbishment works to take place on the Market Place and on the opposite side of the road, on Northern High Street.
- 2.5 The works have been progressing well over the past year with minimal disruption compared to earlier stages of Plan E, and all project milestones have been met. The Council has received positive feedback from residents and businesses throughout the past year for the action it is taking to improve the Market Place and for the quality of the actual works.

## 3 Strategically Important Market Place

- 3.1 As a key element of the Plan E scheme, the Market Place has long been seen as strategically important to the borough as it:
  - Helps contribute to the borough's unique identity as a great place to live, work and visit;
  - Is a key feature of the Town Centre Conservation Area, contributing to the visual character and appearance of the area;
  - Provides a focal point and destination within the main urban area and contributes to the balanced mix of uses necessary for a vibrant Town Centre, offering a place where people can meet, relax, be refreshed and enjoy the space;

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- Encourages pedestrian flow and spend beyond the Ashley Centre;
- Provides a flexible pedestrian friendly space for activities and events;
- Provides a public space for civic events and for new sources of income.

### **4 Market Place Agreement**

- 4.1 Epsom and Ewell Borough Council approached Surrey County Council as the landowner of the highways land on which the Market Place is located to ask them to cooperate with its wish to have much greater operational control over what happens on the Market Place on a day-to-day basis. In practice this means being able to ensure that the Market Place is being proactively managed and used for only those purposes that are agreed with the Borough Council. The agreement also regularises some existing arrangements relating to the Market Place, such as street cleaning.
- 4.2 The Draft Market Place Agreement set out in Annex 1 has been prepared to achieve this goal and is for a term of ten years, with the option for either party to terminate the agreement on giving not less than one year's notice in writing to expire on 31 March in any year.
- 4.3 The Draft Market Place Agreement contains a number of powers in terms of managing the different uses and enforcement on the Market Place that were previously undertaken by the County Council such as the licencing of tables and chairs, skips, "A" boards etc and collection of fees. It is necessary to delegate these powers to the Chief Operating Officer to enable officers to undertake the day to day functions in a co-ordinated and joined up way.

### **5 Financial and Manpower Implications**

- 5.1 The Council's budget assumes that the Council is able to generate an annual income of £118,000 through the Market Place.
- 5.2 The proposed Market Place Agreement will formalise and extend the Borough Council's ability to collect and retain income generated from the Market Place including income from market stall-holders, and licencing adjacent shops, restaurants and cafés etc who wish to make use of the Market Place, and for street entertainment and events. The costs of the Council's day to day management of the Market Place will include items already assumed in the existing budget such as street cleaning, enforcement and bin emptying, However new items such as the routine maintenance of the drinking fountain estimated at £400 a year and utilities costs which will vary depending on the level of future chargeable activity taking place in the Market Place. Funding for this will need to be identified from additional income achieved or within existing public realm and maintenance budgets.

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- 5.3 **Chief Finance Officer's comments:** The additional costs arising from the Market Place Agreement will need to be met from additional income generated from the Market Place or from within existing public realm and maintenance budgets.

### 6 Legal Implications (including implications for matters relating to equality)

- 6.1 By virtue of Section 1(2) of the Highways Act 1980 Surrey County Council is the highway authority for all the highways in Surrey apart from those for which the Secretary of State has responsibility. Therefore, the County Council is responsible for highways functions in respect of the land at the Market Place.
- 6.2 The County Council may delegate these highways powers to this Council in accordance with Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012.
- 6.3 The draft Epsom Town Centre Management Agreement sets out the arrangements for the delegation of those highways powers.
- 6.4 **Monitoring Officer's comments:** None arising from the content of this report.

### 7 Sustainability Policy and Community Safety Implications

- 7.1 The public realm improvements being delivered in the Market Place are designed to make a positive contribution to making Epsom and Ewell Town Centre a sustainable place in the widest sense, including addressing safety issues and maintaining the Town Centre's vitality and levels of footfall.
- 7.2 The improvement works include the installation of a drinking fountain, which incorporates the facility to fill reusable water bottles, thus discouraging the purchase of single-use plastics.

### 8 Partnerships

- 8.1 The Market Place Agreement defines the terms of a partnership with Surrey County Council to enable what is Surrey Highways land, to be managed by Epsom and Ewell Borough Council on a day to day basis.

### 9 Risk Assessment

- 9.1 The proposals set out in this report seek to provide clarity to anyone wishing to use the Market Place, providing a single point of contact for enquiries and bookings and a single point of accountability for the management, enforcement and on-going maintenance of the area.

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- 9.2 Any insurance claims relating to the Highway, including those associated with the paving, curb stones and adjacent road, will continue to be the responsibility of Surrey County Council.

### **10 Conclusion and Recommendations**

- 10.1 The future success of the Market Place will depend in part on there being clear and effective day to day management arrangements in place. This includes clarity regarding responsibilities for street cleaning, overseeing and licencing the various uses of the Market Place, and dealing with enforcement action. The proposed Market Place Agreement has been prepared with this in mind.
- 10.2 Members are therefore asked to agree that this Council enters into the Market Place Agreement with Surrey County Council for the day to day management of the Market Place

**Ward(s) affected:** Town Ward;