

## STREET MARKET OPTIONS

**Head of Service:** Ian Dyer, Head of Operational Services  
**Wards affected:** (All Wards);  
**Urgent Decision?(yes/no)** No  
**If yes, reason urgent decision required:**  
**Appendices (attached):** None

### Summary

This report seeks agreement for the introduction of occasional street trading and markets in Ewell Village and Stoneleigh Broadway.

These will be set up using Street Traders' licences or operating under part III of the Food Act 1984.

The report also proposes an option for evening use of Epsom Town Centre Marketplace

### Recommendation (s)

#### The Committee is asked to:

- (1) **Delegate to the Head of Operational Services in conjunction with the Chairman of the Environment and Safe Communities Committee, the power to establish a one-year trial (from commencement of the work) to establish and manage street trading and market days in Stoneleigh Broadway and Ewell Village.**
- (2) **To approve evening trading, events, and markets on Epsom Town Centre Marketplace with the programme agreed by Head of Operational Services in conjunction with the Chairman of the Environment and Safe Communities Committee**
- (3) **Authorise the Head of Service to negotiate pitch fees to build the street trading options in both Ewell Village and Stoneleigh Broadway**

## 1 Reason for Recommendation

- 1.1 To increase the economic viability within Epsom Town Centre, Ewell Village, and Stoneleigh Broadway with the view to provide additional retail facilities to promote 'shop local' and increase footfall to these areas.

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### 2 Background

- 2.1 Over the last year, officers have been approached by local residents from Ewell and Stoneleigh about the possibility of offering street markets in Ewell Village and Stoneleigh Broadway.
- 2.2 To progress this request, officers met with both groups and established that Ewell Village and Stoneleigh each have a unique identity and different needs. Further to these consultations, officers have outlined a proposal for each area which are set out in sections three and four of this report.
- 2.3 Overall, we have no doubt that markets and/or street traders can increase footfall to an area, as throughout the coronavirus pandemic Epsom Town Centre Marketplace played an important role, as a place for our community to gather outdoors safely, shop for fresh produce and enjoy the company of others.
- 2.4 Outdoor trading offers vibrancy and diversity in a way that a supermarket, however convenient, does not. A buoyant market attracts both visitors and residents and contributes to the vitality of an area. This increased footfall will help speed up economic recovery and will allow local businesses the best chance of survival as we emerge from the pandemic.
- 2.5 Markets have a social purpose; they are important places of social interaction which facilitates community coercion and social inclusion. Markets also help improve public health and the quality of life through the provision of fresh, cost effective and quality produce.
- 2.6 In March 2021 on the guidance issued from the Minister of Housing, Communities and Local Government, Local Authorities were given dispensation until March 2022 to run outdoor street markets without any need for planning permission.
- 2.7 This temporary change to the law, which was introduced, has now been made permanent and permitted development rights (PDR) allows markets to be held by or on the behalf of Local Councils for an unlimited number of days and includes provision for the use of movable structures relating to market use.
- 2.1 There has been a concern that Royal Charters can be an issue for new markets set-ups, as authorities which hold a Royal Charter can block any market being set-up within the confines of a town or a certain area (typically six and two third miles (10.8KM)). A Royal Charter is an obscure 800-year-old rule, but it can still play a role in modern day life if applied by a neighbouring authority.
- 2.2 Due to the type and regularity of the street trading that is being proposed, it is considered that the risk of challenges from neighbouring boroughs with a Royal Charter is very low, as the only valid reason to apply the Royal Charter is where a new market may affect the sustainability of a Charter Market.

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### 3 Stoneleigh Broadway

- 3.1 After consultation with some of the shop owners in Stoneleigh Broadway, it was agreed that several commodities that are not presently provided for could be introduced by way of street traders which would benefit the vitality of the Broadway.
- 3.2 The photograph below shows the railway station end of Stoneleigh Broadway, which has wide pavement areas suitable for street trading.



- 3.3 As a result of the consultation, the initial proposal for Stoneleigh Broadway is to:
- Actively look for specific street traders such as flowers/plants, greengrocer, fish stall to trade in the Broadway to complement the existing retail offering.
  - To attract street traders for the desired commodities, it is recommended that a short trial period of six trading days is offered free of charge
  - The number of street trading pitches to a maximum of five.
  - The option to trade is offered seven days a week

### 4 Ewell Village

- 4.1 A consultation with shop owners and the Ewell Village regeneration group, revealed that a small artisan street and a Farmers Market could be developed in 'The Grove'. This area is a wide alleyway which is owned by Epsom & Ewell Borough Council and connects Ewell Village High Street to West Street.

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- 4.2 The photograph below depicts the entrance from the High Street to The Grove, a tree lined area that leads to West Street



- 4.3 As a result, the initial proposal for Ewell Village is to:

- Create 12 market pitches on the wide grassed area of The Grove.
- Attract a small monthly Farmers Market
- Actively seek Artisan traders to complement the existing retail offering in the Village up to seven days per week.
- The option to trade is offered seven days a week

## 5 One-off Events

- 5.1 Both Ewell Village and Stoneleigh Broadway have hosted numerous one-off events over the years such as the 'Ewell Yule' and 'Lights on Broadway' Christmas events. This report does not affect the ability for these types of events to continue.
- 5.2 Organisers who wish to hold one-off events, will need to apply via the Council's website and complete an online application form. If a road closure is required to facilitate the event, it will be the responsibility of the applicant to arrange this.

## 6 Legislation

- 6.1 To enable the market at Ewell to be established, the Council can utilise Part III of the Food Act 1984 which was utilised in the Environment and Safe Communities Committee of July 2020 for Epsom Market, to establish a market for up to 7 days a week. The benefit of this is that the traders would be subject to one set of regulations throughout the Borough.

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- 6.2 For Stoneleigh Broadway, the stalls could be enabled under Street Traders licences which can agree positions of stalls on the pavement areas within the Broadway. Operational services will look to source and manage appropriate street traders to complement the shops in both locations to complement rather than compete with existing retail facilities. Officers will also look to source private sector market operators to run and manage monthly markets in Ewell.
- 6.3 At this stage, the Council is unable to provide greater clarification about the nature and frequency of the markets in both proposed locations as officers will need to work with stall holders and established market providers to attract them and enable them to trial their proposals. Also, a flexible approach to their frequency and days of operations will be required together with the flexibility in the application of pitch fees.
- 6.4 Within the parameters of the Street Trading License, it is requested that authorisation is given to the Head of Operational Services to negotiate pitch fees to build street trading options in Stoneleigh and Ewell. Once markets become established, a minimum stall charge could be applied of around £10 per day.

## **7 Management and resourcing**

- 7.1 There are resource implications for Operational Services to successfully deliver a new market in Ewell Village and street trading in Stoneleigh Broadway:
- Officers will need to work with stall holders and private sector market operators to promote the sites and encourage trials. This could take considerable officer resource, dependant on the attractiveness of the new market locations to stall holders and market providers.
  - Officers will be required to assess and issue Street Trading Licences and Market Agreements.
  - An officer will need to carry out market inspections on trading days which will include weekends. General inspections can be undertaken by street cleansing teams as part of their daily activities but some specific visits from one of the Streetcare management team will also be required.

## **8 Epsom Marketplace**

- 8.1 Epsom Marketplace has become a vibrant place to enjoy a wide variety of goods, produce and street food.
- 8.2 The traditional Thursday and Saturday market is currently booming and the speciality markets on Fridays, Sunday and Bank holidays all have an excellent following too. These speciality markets include Farmers, Vegan, Taste of the World, Antiques and Arts & Craft markets.

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- 8.3 The Marketplace, High Street Epsom has a Premises Licence in place which allows the provision of regulated entertainment and the sale of alcohol on the Marketplace. It is proposed to increase the offering through developing evening markets and events and encouraging adjoining restaurants to use the space it provides, especially in summer months, with the option to attract evening trade up to seven days a week.
- 8.4 The nature and frequency of developing evening markets, events and expansion of existing restaurants into the Marketplace will be subject to marketing and subsequent take up of the opportunity. A schedule can be developed for consideration and agreement of the Head of Operational Services in conjunction with the Chairman of the Environment and Safe Communities Committee.

### 9 Risk Assessment

- 9.1 Adjoining authorities who hold Royal Charters, could challenge any new markets. To mitigate this risk in Stoneleigh Broadway, the recommendation is to issue a small number of street trader licences, no more than twice a week to begin with.
- 9.2 In Ewell Village, the risk will be managed by holding monthly markets, in The Grove and up to five Street traders' licences no more than twice a week to begin with.
- 9.3 Officer resource will be required to deliver and manage the new market and street trading, which is difficult to quantify at this stage. It is recommended that trading in the new locations is subject to a one year pilot to ascertain the long-term viability and undertake a cost- benefits analysis to include the level of staff resource involved. The pilot should only commence once officers have the capacity to actively promote the sites and recruit traders/market operators.
- 9.4 Any risks associated with developing evening markets, events and encouraging adjoining restaurants to trade on the Marketplace will be controlled by applying the standard licence conditions that are used to manage Epsom Marketplace.
- 9.5 Impact Assessment
  - 9.5.1 Having markets in these areas could reduce the need to travel to purchase goods, the areas identified are a pedestrianised Marketplace, tarmacked walkways or pavements, all which provide good accessibility.
- 9.6 Crime & Disorder
  - 9.6.1 Not for this report

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### 9.7 Safeguarding

#### 9.7.1 Not for this report

### 9.8 Dependencies

#### 9.8.1 Establishing a successful new market and street trading in the two locations, is dependent on the ability to attract traders to these sites.

## 10 Financial Implications

10.1 The administration and market day inspections can be managed within present resources throughout the one-year pilot.

10.2 The Council's standard Market Licence will commit each trader to remove their waste and clean the trading space at the end of each day, failure to do so will incur a penalty charge of £30 before they can trade again.

10.3 Once trading has been established, we expect an income at a level that will attract traders to both areas with the target fee set at £10 a day per trader.

10.4 Operational Services will aim to source private sector market operators to manage a monthly market in Ewell Village in line with the monthly markets that currently operate in Epsom. This model lessens the financial risks and resource implications for the Council.

10.5 One-off events will be the responsibility of the event organiser and will be subject to terms of the Council's standard Event Hire Agreement, production of adequate Public Liability Insurance and agreement to any charges levied by the Council in connection with the event. Any additional requirements applying for a road closure will be the responsibility of the organiser.

10.6 **Section 151 Officer's comments:** The markets should cover their own operating costs, and any additional income will make an important contribution to mitigating the Council's projected future budget deficit

10.7 The author is right to describe the risk of a neighbouring local authority relying on general prohibition to hold a competing market in breach of any Royal Charter as "very low". Nowadays those charters are almost always of no more than historic interest.

10.8 Part III of the Food Act 1984 allows Councils to establish a market. Officers will need to draft a template licence for vendors to agree to in advance of trading.

10.9 **Legal Officer's comments:** none arising from the content of this report.

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### 11 Policies, Plans & Partnerships

11.1 **Council's Key Priorities:** The following Key Priorities are engaged:

11.1.1 **Green and Vibrant-** Encouraging people to shop locally reduce the need to travel

11.1.2 **Opportunity and prosperity** - encouraging local footfall by promoting local shopping opportunities

11.1.3 **Safe and Well** – increasing the offering within attractive environments providing opportunities within environments for everybody to enjoy.

11.1.4 **Effective Council** – supporting economic development of our shopping centres

11.2 **Service Plans:**

11.2.1 The matter is not included within the current Service Delivery Plan.

11.3 **Climate & Environmental Impact of recommendations:**

11.3.1 Encouraging residents to travel less and shop locally

11.4 **Sustainability Policy & Community Safety Implications:**

11.4.1 None

11.5 **Partnerships:**

11.5.1 Working in partnership with local traders and regeneration groups

11.5.2 Working in partnership with private market operators and building on the success of the specialist markets we have attracted to Epsom Marketplace.

### 12 Background papers

12.1 The documents referred to in compiling this report are as follows:

#### **Previous reports:**

- Environment and safe communities 16 July 2020
- Environment and Safe Communities Committee 16 October 2013

#### **Other papers:**

- Epsom & Ewell Borough Council Market Licence Agreement