

## **CABINET MEMBER FOR REGENERATION AND DEVELOPMENT**

**Venue: Town Hall, Moorgate  
Street, Rotherham. S60  
2TH**

**Date: Tuesday, 6th May, 2014**

**Time: 11.00 a.m.**

### **A G E N D A**

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for Absence.
4. Minutes of the previous meetings held on 7th April and on 11th April 2014 (Pages 1 - 10)
5. Minutes of a meeting of the RMBC Transport Liaison Group held on 19th March, 2014 (Pages 11 - 14)
6. Centenary Market Fees and Charges Review (report herewith) (Pages 15 - 19)
7. Fairs Applications and Fairs Charges Review 2014 (report herewith) (Pages 20 - 21)
8. Confirmation of Market Establishment 2014 (report herewith) (Pages 22 - 23)
9. Market Franchise Rights Policy 2014 (report herewith) (Pages 24 - 33)
10. Exclusion of the Press and Public  
The following item is likely to be considered in the absence of the press and public as being exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006 – information relates to finance and business affairs).
11. Town Centre Business Grants - Business Development Grant Application (report herewith) (Pages 34 - 37)

12. Date and time of next meeting - Monday, 2nd June, 2014.

**CABINET MEMBER FOR REGENERATION AND DEVELOPMENT  
7th April, 2014**

Present:- Councillor Smith (in the Chair); Councillors Clark and Godfrey; together with Councillor Dodson.

Apologies for absence were received from Councillor Pickering.

**G109. MINUTES OF THE PREVIOUS MEETINGS HELD ON 25TH FEBRUARY 2014, 3RD MARCH 2014 AND 31ST MARCH, 2014**

Resolved:- That the minutes of the meetings of the Cabinet Member and Advisers for Regeneration and Development, held on (i) 25th February, 2014, (ii) 3rd March, 2014, (iii) 31st March, 2014, be approved as correct records for signature by the Chairman.

**G110. MINUTES OF THE MEETING OF THE ROTHERHAM TOWNSCAPE HERITAGE INITIATIVE GROUP HELD ON 3RD MARCH, 2014**

Consideration was given to the minutes of a meeting of the Rotherham Townscape Heritage Initiative Group held on 3rd March, 2014.

Resolved:- That the contents of the minutes be noted.

**G111. ENVIRONMENT AND DEVELOPMENT SERVICES - REVENUE BUDGET MONITORING 2013/14**

Consideration was given to a report presented by the Strategic Director for Economic and Development Services concerning the budget monitoring of the Environment and Development Services Directorate Revenue Accounts for the period to 28<sup>th</sup> February, 2014, including the forecast out-turn of overspending of £65,000 to the end of the 2013/14 financial year. The submitted report included information on the variances reported by each Division of Service. Specific reference was made to the Winter Maintenance budget, the Council's land and property bank, the funding for ICT and the budget for street cleansing.

Resolved:- (1) That the report be received and its contents noted.

(2) That the latest financial projection against budget for the 2013/14 financial year, for the Environment and Development Services Directorate, based on actual income and expenditure to 28th February, 2014, be noted.

(3) That the report be referred to the Self Regulation Select Commission for information.

**G112. PETITION - ROTHERHAM BY THE SEA - REQUEST FOR EXTENDED TIME**

Further to Minute No. G64 of the meeting of the Cabinet Member and Advisers for Regeneration and Development held on 1st November, 2013, consideration was given to a report, presented by the Marketing and Events Manager, concerning the petition requesting that the Rotherham by the Sea activities be extended from one week to two weeks. The report referred to the implications of funding the second week of activities.

Resolved:- (1) That the report be received and its contents noted.

(2) That the Rotherham by the Sea activities be extended to two weeks for the forthcoming event during August, 2014 and appropriate additional funding be identified during the 2014/2015 financial year.

(3) That the duration of the Rotherham by the Sea activities be reviewed further, after the Summer 2014 event.

(4) That the petitioners be informed of the decision and be thanked for their appreciation of and support for the Rotherham by the Sea event.

**G113. OBJECTIONS TO PROPOSED WAITING AND ONE-WAY STREET RESTRICTIONS - WINLEA AVENUE, BRECKS CRESCENT AND BAWTRY ROAD, BRECKS**

Consideration was given to a report, presented by the Transportation and Highways Projects Manager, concerning the receipt of objections to the proposed 'No Waiting At Any Time' restriction on Brecks Crescent and Winlea Avenue, Brecks and the proposed one-way street order on the adjacent service road, situated parallel to the A631 Bawtry Road. Details of the objections were included with the report.

The proposed 'No Waiting At Any Time' restriction on Brecks Crescent and Winlea Avenue is intended to address problems caused by vehicles parking too close to junctions, in inappropriate places and on footways in the area. The waiting restrictions should ensure that adequate visibility and access is maintained.

The introduction of a One-Way Order for traffic travelling in an easterly direction along the service road would eliminate any potential for vehicle conflict which could exist when traffic is travelling in both directions. Two objections and also one letter of support had been received. After further review, it is recommended that the proposed one-way street is not implemented. On-site observations indicate that only a very small amount of vehicles travel in a westward direction on the service road, either to the Listerdale shopping centre or onto Brecks Crescent. There is also no record of injury accidents on this road during the last five years.

Resolved:- (1) That the report be received and its contents noted.

(2) That, with regard to the proposed 'No Waiting At Any Time' restriction on Brecks Crescent and Winlea Avenue, the three objections to the waiting restrictions be not acceded to and the Order be made by the Director of Legal and Democratic Services, in accordance with the details shown on Drawing number 126/18/TT553 as now submitted.

(3) That the two objections to the One-way Street Order for the Bawtry Road service road be acceded to, the letter of support be noted and the One-way Street Order be not proceeded with.

(4) That all of the objectors and the person sending the letter of support, as now reported, be informed of the above decisions.

**G114. PROPOSED TRAFFIC CALMING SCHEME ON DOE QUARRY LANE, DINNINGTON**

Further to Minute No. G41 of the meeting of the Cabinet Member and Advisers for Regeneration and Development held on 2nd September, 2013, consideration was given to a report, presented by the Transportation and Highways Projects Manager, describing the results of the consultation process concerning the proposed traffic calming scheme on Doe Quarry Lane, Dinnington.

The report stated that Doe Quarry Lane, together with the junction of Lordens Hill, Dinnington, had been identified as a location requiring further investigation as a consequence of the number of collisions taking place there. These collisions had resulted in one seriously injured casualty and eighteen casualties with slight injuries, during the three years' period between 1st August 2010 and 31st July, 2013. The safety scheme proposed the introduction of vertical traffic calming measures along the road, in the form of speed cushions and flat-top road humps.

In addition to the statutory consultation process, households in the local area had been consulted about the proposed road safety scheme. Subsequently, the Council had received a petition, containing 70 signatures (with less than 50% from residents of Doe Quarry Lane) requesting the introduction of speed cameras on Doe Quarry Lane, in order to target motorists exceeding the 30mph speed limit. Members were informed that this highway did not meet the criterion for the installation of vehicle speed cameras.

Funding for the proposed traffic calming scheme would include both (i) a Section 106 contribution from the developer of the housing estate on the site of the former Dinnington Community Primary School and (ii) the remainder from the Local Transport Plan Integrated Transport Programme 2014/2015.

Resolved:- (1) That the report be received and its contents noted.

(2) That the objections to the proposed traffic calming scheme on Doe Quarry Lane, Dinnington be not acceded to and the objectors and the lead petitioner be informed accordingly.

(3) That the proposed traffic calming scheme on Doe Quarry Lane, Dinnington be approved and the scheme, as shown on Drawing number 126/17/TT245.rev1 now submitted, be implemented.

#### **G115. MASBROUGH PARKING - CONSULTATIONS AND PROPOSALS**

Consideration was given to a report, presented by the Transportation and Highways Projects Manager, concerning parking issues in part of Masbrough, the consultations undertaken and proposals presented to the community.

The report stated that local businesses, residents and churches in Masbrough have expressed concerns about the amount of commuter parking occurring in that area and the resultant negative impact upon the local community. A petition, containing 330 signatures, organised by the St. Bede's Catholic Church, had been submitted to the Council, requesting the introduction of parking restrictions on the surrounding roads (e.g. Albert Street, St. Bede's Road, Station Road and Victoria Street).

Members noted details of the consultation, undertaken during 2012, with residents and businesses in the Masbrough area. A majority of respondents had reported experiencing parking problems during the working day. The responses identified a definite pattern of parking problems in some of the streets south of College Road, which was confirmed by observations of parking practices. There was also a majority of the respondents in favour of a Controlled Parking Zone. However, a further consultation process, undertaken during the Spring 2013, revealed that there was insufficient support to introduce permit parking and pay-and-display parking in this area.

After further investigation, a parking scheme was being proposed which would include the following features:-

- provision of some turnover of parking;
- removal of commuter or long-stay parking from outside locations which rely on the availability of short-stay, on-street parking (e.g. the local churches);
- introduce waiting restrictions at locations where parking was not appropriate (e.g. road junctions);
- introduce limited waiting on some sections of the streets in this area;
- revoke the existing 'No Waiting Monday-Saturday 8.00am to 6.00pm' restriction on the northern side of Station Road (west of Albert Street) and introduce the same type of Order on the southern side;

- change the priority at the Station Road and Princes Street junction, so as better to reflect the main movement of vehicles and address concerns about safety;
- introduce limited waiting (maximum stay of two hours and no return within two or three hours), where there is a time restriction on parking but without a charge, from Monday to Friday, 9.00am to 4.00pm.

The funding for the proposed parking scheme in the Masbrough area is from this Council's allocation from the Local Transport Plan 3 Sheffield City Region Integrated Transport budget.

Resolved:- (1) That the report be received and its contents noted.

(2) That the outcome of the consultations on the parking issues, as detailed in the report now submitted, be noted.

(3) That the redesigned proposal to provide a turnover of parking spaces, whilst still maintaining safe access and some on-street parking without restriction, as detailed in the report now submitted, be approved.

(4) That the required legal notices for the proposed scheme, as shown on Drawing number 126/17/TT284 now submitted, be prepared and advertised by the Director of Legal and Democratic Services, with a view to implementation of the scheme during the 2014/2015 financial year.

(5) That the Masbrough community and the lead petitioner be informed of the outcome of the consultation and of amended proposals described above.

**G116. PROPOSED 'NO WAITING AT ANY TIME' RESTRICTIONS AT ST ANN'S ROAD, EASTWOOD**

Consideration was given to a report, presented by the Transportation and Highways Projects Manager, concerning an objection received by the Council to the proposed introduction of 'No Waiting at Any Time' waiting restrictions on St. Ann's Road, Eastwood, Rotherham. The proposed vehicle waiting restrictions would apply to the service road adjacent to the St. Ann's Road roundabout and the scheme is in response to an increase in commuter and shopper parking at this location.

Resolved:- (1) That the report be received and its contents noted.

(2) That objections to the proposed waiting restrictions scheme be not acceded to.

(3) That the objector be informed of the above decision and of the reasons for the decision.

(4) That the Director of Legal and Democratic Services make the proposed Traffic Regulation Order for the introduction of 'No Waiting at Any Time' waiting restrictions on St. Ann's Road, Eastwood, as advertised and as shown on Drawing Number 126/18/TT589 now submitted.

**G117. HIGHWAYS CAPITAL WORKS PROGRAMME 2014/15**

Consideration was given to a report, presented by the Transportation and Highways Projects Manager, outlining the proposed Capital Works programme for Highway Maintenance and Transportation schemes for 2014/2015.

The report stated that the primary grant funding is the capital funding made available from Central Government for Integrated Transport and Maintenance as part of the third Local Transport Plan (LTP3). Members noted that, since the preparation of the report, Central Government had indicated that there would be a further financial allocation for highway maintenance works.

Resolved:- (1) That the report be received and its contents noted.

(2) That the specific allocation for Integrated Transport and Highways Maintenance for 2014/2015, including the Local Sustainable Transport Fund (LSTF), as detailed in the report now submitted, be noted.

(3) That agreement in principle be approved in respect of the proposed Highways Capital Programme, as identified in appendices A and B to the report now submitted, as the basis for further feasibility works, detailed design and implementation during 2014/2015.

**G118. PROPOSED DESIGNATED DISABLED PERSONS PARKING SPACE AT 12 WESLEY ROAD, KIVETON PARK**

Consideration was given to a report, presented by the Transportation and Highways Projects Manager, concerning the objections received by the Council to the proposed introduction of a Designated Disabled Person's Parking Space for the resident of 12 Wesley Road, Kiveton Park. Reference was made to the Social Services medical criteria and to the specific needs of the individual resident in this case.

Resolved:- (1) That the report be received and its contents noted.

(2) That the objections to the proposed designated of a parking place for a disabled person's permit holder only be not acceded to.

(3) That the objectors be informed of the above decision and of the reasons for the decision.



(4) That the Director of Legal and Democratic Services make the proposed Traffic Regulation Order, as advertised and as shown on Drawing number 126/18/TT577 now submitted, for the provision of the designated parking place for a disabled person's permit holder adjacent to number 12 Wesley Road, Kiveton Park.

**G119. PETITION - CONDITION OF ROAD SURFACE AT COOK AVENUE, MALTBY**

Consideration was given to a petition, containing 67 signatures, from residents of Cook Avenue, Maltby, requesting that repairs are undertaken urgently to the surface of that road.

Resolved:- (1) That the petition be received.

(2) That a report on this matter be submitted to a future meeting of the Cabinet Member and Advisers for Regeneration and Development.

**G120. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended (information relating to the financial/business affairs of any person (including the Council)).

**G121. STANDING LISTS OF CONTRACTORS**

Consideration was given to a report presented by the Corporate Projects Manager, containing a proposed tender list for mechanical, electrical and general building works on Council property.

Resolved:- (1) That the report be received and its contents noted.

(2) That the list of tenderers for mechanical, electrical and general building works on Council property, as detailed in the report now submitted, be approved.

**CABINET MEMBER FOR REGENERATION AND DEVELOPMENT**  
**11th April, 2014**

Present:- Councillor Smith (in the Chair); together with Councillors Dodson and Pickering.

Apologies for absence were received from Councillors Clark and Godfrey.

**G122. BRITISH CYCLING-LED 'SKY' BIKE RIDES**

Consideration was given to a report, presented by the Transportation Planner, concerning the proposed introduction of organised bicycle rides, managed and delivered by British Cycling, to encourage cycling in Rotherham. The report stated that British Cycling, in partnership with Sky television, are undertaking a high profile national 'Go Sky Ride' programme, working with local authorities across the country to increase participation in cycling for active travel and/or leisure through led Sky bike rides.

Within Rotherham, British Cycling would manage and deliver a series of led Sky bike rides throughout the Borough in the Summer and Autumn of 2014 for cyclists of varying abilities. There would be a number of easy, steady and challenging led rides. This project will increase the number and frequency of people cycling and encourage local residents to travel more actively and to cycle for leisure.

Members considered that the cost of the project provided by British Cycling should exempt from Standing Order 47.6.3 (contracts above £20,000 but less than £50,000) on the basis that this project is unique and has a sole provider. Sport England has commissioned British Cycling to deliver cycle participation outcomes as part of the four years whole sport plan cycle (2014-2017). In turn, British Cycling:-

- is the only Cycle Sports National Governing body to receive Sport England and UK Sport Lottery funding, enabling the provision of considerable revenue match funding for the project;
- has a number of commercial partners and sponsors (e.g. Sky television), enabling them to provide a considerable amount of in-kind expertise and support; and
- would also support the local authority in its cycling ambitions, along with the development of strategies and plans.

Resolved:- (1) That the report be received and its contents noted.

(2) That this Council enters into a contract with British Cycling to manage and deliver led Sky bicycle rides which are to be promoted by Sky television, British Cycling and the Council.

(3) That this project shall be exempt from the provisions of Standing Order 47.6.3.

**G123. LOCAL TRANSPORT PLAN - HYDROGEN POWERED VEHICLE PROJECT**

Consideration was given to a report, presented by the Transportation Officer, concerning the proposal that Rotherham should take the lead on a strategic Local Transport Plan Integrated Transport funded project to help bring the Hydrogen Minigrid at the Waverley Advanced Manufacturing Park back into use to fuel a hydrogen fuel cell vehicle as a demonstrator for the technology. This project would place South Yorkshire at the forefront of these technologies in the United Kingdom and has agreed funding from a strategic allocation of South Yorkshire Local Transport Plan Integrated Transport Block.

Members noted that, once the vehicle is procured and the facility brought back into use, the vehicle will be made available to a range of organisations across South Yorkshire over a period of four years to demonstrate the applicability of the technology across as wide a variety of applications as possible. Most of the other vehicles will be operating in the London area. The South Yorkshire vehicle will be the only one using hydrogen fuel manufactured via the wind turbine process.

The funding will be divided between procurement of the Hyundai hydrogen fuel cell electric vehicle (HFC-EV) and ancillary equipment needed to upgrade the refuelling facility at Waverley Advanced Manufacturing Park. As there is only one supplier of fuel cell cars, the procurement of the vehicle is to be treated as a sole supplier, which requires the suspension of the Council's standing orders.

Resolved:- (1) That the report be received and its contents noted.

(2) That the nature and scope of the hydrogen fuel cell vehicle project, as now reported, with this Council leading on the procurement and the liaison with partner authorities in South Yorkshire and in the private sector, be noted.

(3) That the hydrogen fuel cell vehicle project shall be exempt from the provisions of Standing Order 48.2 (contracts valued between £50,000 and £500,000) enabling the Council to enter into a contract with ITM Power, as detailed in the report now submitted.

(nb: subsequent to this meeting and in view of the need to enter into the contract before Easter 2014, according to the procurement timescale, The Mayor gave the necessary authorisation to exempt this decision from the Council's call-in procedure)

**G124. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended (information relating to the financial/business affairs of any person (including the Council)).

**G125. RIVERSIDE HOUSE - REPAIRS AND MAINTENANCE CONTRACT**

Further to Minute No. G138 of the meeting of the Cabinet Member and Advisers for Regeneration and Development held on 8th May, 2013, consideration was given to a report, presented by the Corporate Facilities Manager, concerning the invitation of tenders for the contract for the servicing and maintenance of the mechanical and electrical systems within the Council's Riverside House building. Approval was being sought for an exemption from contract Standing Orders to allow NG Bailey to continue to provide the annual servicing and maintenance of Riverside House for three months until 30th June, 2014. The new contract is expected to begin during July, 2014, subject to the receipt of satisfactory tenders.

Resolved:- (1) That the report be received and its contents noted.

(2) That, in accordance with the details contained in the report now submitted, the contract for the servicing and maintenance of the mechanical and electrical systems within Riverside House be exempt from the provisions of Standing Order 47.6.3 (contracts above £20,000 but less than £50,000) and the existing contract be continued with NG Bailey for three months until tenders have been evaluated and a new contract arranged with a suitably qualified mechanical and electrical contractor.

**G126. JOINT SERVICE CENTRE AT ASTON-CUM-AUGHTON - BUILDING ALTERATIONS**

Resolved:- That tenders for the contract for building alterations to the Joint Service Centre at Aston-cum-Aughton be invited from the select list of contractors now reported.

**RMBC Transport Liaison Group  
Wednesday, 19th March, 2014**

Present:- Councillor Smith (in the Chair); Councillors Ahmed, Dodson, Falvey, Goulty, Hoddinott, G. A. Russell, Sims, Swift, Whysall and Wootton; together with Mr. M. Nuttall (South Yorkshire Passenger Transport Executive), Mr. S. Hewitson (Rotherham Community Transport), Mr. A. Timewell (First Group) and Mr. J. Young (Stagecoach Yorkshire)

Apologies for absence were received from Councillors Atkin, Beaumont, Pickering, R. S. Russell and, Whelbourn; and from Mr. P. Flanagan and Mr. B. Gilligan (First Group) and Mr. D. Stevenson (Stagecoach East Midlands).

**21. MINUTES OF THE PREVIOUS MEETING HELD ON 4TH DECEMBER, 2013**

Consideration was given to the minutes of the previous meeting of the Transport Liaison Group, held on 4th December, 2013.

Agreed:- That the minutes of the previous meeting be approved as a correct record for signature by the Chairman.

**22. MATTERS ARISING FROM THE PREVIOUS MINUTES**

With regard to Minute No. 18(c) (Rotherham town centre – cycling in pedestrianized areas), it was noted that after due consideration by the Cabinet (Minute No. 164 of the meeting held on 15<sup>th</sup> January 2014) and again by the Cabinet Member for Regeneration and Development (14<sup>th</sup> February 2014), the scheme to permit cycling within the pedestrian areas of the Rotherham town centre, for a limited period and on an experimental basis, is to be limited to High Street only. A monitoring report will be submitted, later in 2014, to the Cabinet Member for Regeneration and Development.

**23. UPDATES FROM THE TRANSPORT OPERATORS**

(1) First Group – there are minor punctuality changes to some bus services affecting Treeton; questioning the recent increase in the price of fares, Members were informed that the principle reasons were rising costs and investment in vehicles; every endeavour is to be made to freeze fares for some short distance journeys; the eventual introduction of the Rotherham Voluntary Bus Partnership may include the introduction of weekly tickets. In addition, the price of fares for school pupils, who have to use several different buses on journeys to and from school, is to be kept as low as possible. The reduction in the price of bus fares in parts of South Yorkshire was also noted.

(2) Stagecoach East Midlands – there are no planned service changes in advance of the introduction of the Rotherham Voluntary Bus Partnership, expected to occur during the Summer 2014.

(3) Stagecoach Yorkshire – in response to feedback received as part of the public consultation process, services 108 and 109, operating in the Rawmarsh area, are to be returned to the routes applicable during 2012. The Transport Liaison Group noted that both Stagecoach and the First Group are taking action to assist in the reduction of air pollution by investment in new fleet and the use of alternative fuel buses (eg: electricity and gas). The use of electric buses will require re-charging facilities to be installed along bus routes. Gas-fuelled buses were being trialled in Sunderland.

(4) South Yorkshire Passenger Transport Executive (SYLTE)

The highway alterations have been completed to allow the access and egress of vehicles at the Rotherham transport interchange (Centenary Way/Drummond Street). Discussions arising from the Rotherham Voluntary Bus Partnership consultation exercise have resulted in the restoration of direct links from the South Rotherham area to the Rotherham hospital. There are proposals for minor service changes in Maltby, to improve the speed of journeys, but in some areas (eg: Kimberworth) service changes will not be implemented. Service changes are being proposed for the Dalton/Flanderwell/Sunnyside area and it is anticipated that an hourly service frequency will continue to maintain links between these communities. There is an intention to introduce new ticketing arrangements for young people (aged 5 to 18 years), which include area-wide day and week tickets, acceptable to all bus operators. Members referred to the travel needs of young people, from outlying areas of the Rotherham Borough to the Rotherham town centre and to Meadowhall.

(5) Rotherham Community Transport

Members received a presentation from Steve Hewitson about the Social Prescribing Service, which had won the excellence in individual participation award from NHS England, announced on 3<sup>rd</sup> March 2014; this service aims to reduce social isolation and loneliness amongst older people and people with a disability; Rotherham Community Transport has provided transport support for this service in Rotherham; statistical details were provided of the use of the dial-a-ride service throughout the Rotherham Borough area (eg: on one day in February, Community Transport accommodated almost 700 passenger journeys, using 22 vehicles); Members were informed of the way in which information about community transport was made available to the public, especially to young people who have disabilities; the presentation also included information about 'transport poverty' – the cost of transport being such a significant proportion of household expenditure, especially in deprived communities; it was noted that transport poverty tended to be a problem in some of Rotherham's rural communities; discussion also took place on the costs of fares for use of the dial-a-ride service, which were established on a county-wide basis.

Information was also provided about Rotherham Community Transport's service changes and fare increases, effective from Monday 31 March 2014, together with the timetable for the Door-2-Door service. Members noted the case study about the recruitment of a female apprentice motor vehicle engineer with Rotherham Community Transport.

The Transport Liaison Group acknowledged the limited funding available for community transport, as a consequence of reductions in public expenditure;

(6) Robin Hood Airport – consideration was given to the minutes of the two most recent meetings of the Robin Hood Airport Consultative, both held on 16th January, 2014 : (i) an ordinary meeting; and (ii) the annual general meeting. The contents of these minutes were noted.

(7) Northern Rail – information has been requested, by Members, about passenger safety on trains in the local area and at the Rotherham railway station.

#### **24. UPDATES FROM RMBC TRANSPORTATION UNIT**

The Borough Council was preparing bids for funding from the South Yorkshire Local Sustainable Transport Fund, for the financial year 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016. Bids for new projects had to be submitted by the deadline of 31<sup>st</sup> March 2014 and projects were expected to promote and/or support economic growth in the area, as well as help to reduce carbon emissions. Projects would relate to the Rotherham to Sheffield corridor, the Rotherham to Dearne corridor, as well as transport links between Rotherham and local centres such as Aston, Dinnington and Maltby. In addition, the funding bid would include: cycling promotion; the economic use of fleet vehicles; the Transport Academy (standards relating to public transport); safer roads; 'wheels-to-work'; bus services providing access to employment in the area between Stocksbridge, Chapeltown and Manvers; personalised travel planning (use of public transport); implementation of the South Yorkshire Intelligent Transport Systems in the Rotherham Borough area; 'Plugged in Places' (use of electric vehicles and the provision of 'plug-in' stations at various locations); marketing of these schemes (eg: [www.inmotion.co.uk](http://www.inmotion.co.uk), a web site providing advice about travel options in South Yorkshire).

#### **25. TRANSPORT LIAISON GROUP - TERMS OF REFERENCE**

Further to Minute No.19 of the meeting of the RMBC Transport Liaison Group held on 4<sup>th</sup> December, 2013, consideration was given to the Liaison Group's draft terms of reference.

Agreed:- That the draft terms of reference, as now submitted, be noted and considered further as part of the development of the Rotherham Voluntary Bus Partnership.

#### **26. ANY OTHER BUSINESS**

The Transport Liaison Group was informed that a petition, containing 121 signatures, from residents and local businesses at Kenneth Street and Effingham Street, Rotherham has been received, requesting that the route of the Rotherham to Parkgate free bus should include both of those roads, as a consequence of the highway layout alterations resulting from the construction of the new Tesco supermarket, off Centenary Way. Members noted that, due to budget reductions, the public funding for the free bus will cease altogether in April 2014. However, it was anticipated that private sector funding might be made available to continue the free bus service for a limited period of time.

**27. DATE AND TIME OF THE NEXT MEETING**

Agreed:- (1) That the next meeting of the RMBC Transport Liaison Group be held at the Town Hall, Rotherham on Wednesday, 25<sup>th</sup> June, 2014, commencing at 2.00 p.m.

(2) That future meetings of the Transport Liaison Group take place on:-

- Wednesday during September, 2014 (to be confirmed)
- Wednesday during December, 2014 (to be confirmed)



**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

1.	<b>Meeting:-</b>	<b>Cabinet Member for Regeneration &amp; Development</b>
2.	<b>Date:-</b>	<b>6<sup>th</sup> May, 2014</b>
3.	<b>Title:-</b>	<b>Centenary Market Fees &amp; Charges Review Ward 2 Boston Castle</b>
4.	<b>Directorate:-</b>	<b>Environment &amp; Development Services</b>

**5. Summary**

To report on the annual review of Centenary Market Fees & Charges.

**6. Recommendations**

- (1) That Fees & Charges as identified in appendix 1 be frozen for the first six months of the financial year 2014/15.**
- (2) That a further review of fees & charges be carried out in September 2014.**

## **7. Proposals and Details**

An annual review of all Fees & Charges in relation to Centenary Market is due to be carried out with any recommended changes implemented from April 2014.

Market trader representatives have requested that the stall rental fees for all markets be reduced or frozen, stating that many traders are suffering hardship during the current economic climate.

Markets footfall statistics show that visitor numbers to the complex have not declined, with first quarter figures for 2014 showing a 10% increase on the same period 2013. However, there is a recognition that in Rotherham, as nationally, consumer spending over the last year has been subdued with consumers continuing to strongly focus on value for money. Recent national indicators have shown some emerging signs of recovery.

Occupancy at Centenary Market remains strong although anecdotal evidence of hardship being suffered by some traders is borne out by the fact that February and March 2014 saw 7 stalls vacated.

The Council recently commissioned "The Retail Group" to provide independent, professional advice on a future strategy and growth plan for the market that will deliver the right markets offer for the town and its customers. This study will report shortly, and will help identify how the Council can best support its traders to adapt to changing customer shopping patterns as well as any short term disruption caused by the major infrastructure development adjacent to the market. The study will also advise on opportunities to invest in and take advantage of the new trading potential resulting from the Tesco development.

It is proposed that the Fees & Charges review be postponed for six months to allow time for consideration and implementation of the findings of the independent study.

All current fees & charges are shown on the Centenary Market scale of charges list attached (appendix 1).

## **8. Finance**

The proposed postponement of the fees and charges review has been taken into consideration with regards to the 2014/2015 budget planning process.

## **9. Risks and Uncertainties**

Not increasing the rental income will impact upon the market's trading deficit as operating costs are predicted to rise at least by inflation.

This is considered to be less of a risk than that of traders leaving the market if fees & charges are increased.

## **10. Policy and Performance Agenda Implications**

The markets division supports the Councils corporate priorities of stimulating the local economy and helping local people into work as well as helping people to improve their health and wellbeing.

## **11. Background Papers and Consultation**

Discussions have taken place with members of the markets consultative committee who act on behalf of the market tenants and traders.

**Contact Name : Robin Lambert, Markets General Manager, 6956,**  
**[robin.lambert@rotherham.gov.uk](mailto:robin.lambert@rotherham.gov.uk).**

**Appendix (1)**  
**Rotherham Market**  
**Scale of Charges 2013/14**

<b>Indoor Charges exc. VAT</b>	Current	Date of last Increase
<b>Perimeter Stall</b>	Monthly Rent	
1 - 5	£586.70	April 2013
6 & 10	£315.70	April 2013
7 - 9, 12 - 14, 16 - 18, 68 - 76	£496.40	April 2013
11	£406.05	April 2013
15	£323.30	April 2013
19	£450.60	April 2013
88	£682.15	April 2013
<b>Island stall</b>		
20 & 21	£496.40	April 2013
22 - 67, 78, 80 - 87	£428.95	April 2013
77 & 79	£450.60	April 2013
<b>Stock Room</b>		
A1	£56.00	April 2013
A2, A3, C2, E2, F2, G2, J2, M2, P1, Q2, Q3	£68.20	April 2013
A4, B5	£34.85	April 2013
B1	£20.05	April 2013
B2, B3	£22.80	April 2013
B4	£30.60	April 2013
C1, E1, F1, J1, K1,	£45.50	April 2013
G1, H1, H2A, H2B, K2A, K2B,	£34.15	April 2013
L1, L2A, M1, Q1A, Q1B		
<b>Stock Room Lights Charge</b>	Light/Qtr	
	<b>£8.75</b>	April 2013
<b>Car Parking</b>	per Quarter	
	£98.00	April 2010

<b>Outdoor Charges inc. VAT</b>	Daily Rent inc. vat	Date of last Increase
<b>Monday</b>	Current	
Small Stall 1 & 2	£13.50	April 2013
Standard Stall 8 - 85 & 129 - 131	£15.95	April 2013
Large Stall 3 - 7 & 86 - 128	£17.75	April 2013
<b>Tuesday</b>		
Standard Stall	£11.15	April 2013
<b>Wednesday</b>		
Standard Stall	£14.75	April 2013
<b>Friday &amp; Saturday</b>		
Small Stall 1 & 2	£14.20	April 2013
Standard Stall 8 - 85 & 129 - 131	£16.65	April 2013
Large Stall 3 - 7 & 86 - 128	£18.60	April 2013
<b>Storage Charges</b>		
Storage Boxes	£3.25 / Day	April 2013
OMT Large	£22.65 / week	April 2013
OMT Small	£18.40 / week	April 2013
Fruiters Storage	£7.50 / week	April 2013

**Appendix (1)**  
**Rotherham Market**  
**Scale of Charges 2013/14**

<b>Outdoor Charges exc. VAT</b>	Daily Rent no vat	
<b>Street Market</b>	Current	Date of last Increase
RMBC Regular Trader / New Casuals	£19.90	April 2013
Non RMBC Traders / Regular Casuals	£33.75	April 2013
<b>Town Centre Farmers Market</b>	£15/£20/£25	April 2013
<b>Wath District</b>	£1.30 / foot	April 2013
<b>Miscellaneous Charges</b>		
<b>Farmers Market Stall Hire</b>	£5.50	April 2013
<b>Car Boot Admin Fee</b>	£20.00	April 2013
<b>Farmers Market Licence Fee</b>	£30.00/day	April 2013
<b>Document Completion Fee</b>	£10.00	April 2013
<b>Out of Hours access charge</b>	£20.00	April 2013
<b>Lease Assignment Fee</b>	£100/£250	April 2013
<b>Lease Renewal Fee</b>	£50/£175	April 2013
<b>Town Centre Pitch Stall Hire</b>	25.00	April 2013
<b>Water Admin. Charge</b>	18.00	April 2013

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:-</b>	<b>Cabinet Member for Regeneration &amp; Development</b>
<b>2.</b>	<b>Date:-</b>	<b>6<sup>th</sup> May, 2014</b>
<b>3.</b>	<b>Title:-</b>	<b>Fairs Applications &amp; Fairs Charges Review 2014 All Wards</b>
<b>4.</b>	<b>Directorate:-</b>	<b>Environment &amp; Development Services</b>

## 5. Summary

To report on the fairs applications received and annual review of Fairs Charges in accordance with audit requirements.

- a) Wath Bonfire Ground 4 days 10<sup>th</sup> – 13<sup>th</sup> April 2014
- b) Spring Fair Herringthorpe Playing Fields 4 days 15<sup>th</sup> – 18<sup>th</sup> May 2014
- c) Kimberworth St. Pauls Fields 5 days 19<sup>th</sup> – 23<sup>rd</sup> June 2014
- d) Clifton Park 6 days 2<sup>nd</sup> – 7<sup>th</sup> July 2014
- e) Clifton Park 6 days 20<sup>th</sup> – 25<sup>th</sup> August 2014
- f) Rawmarsh Victoria Park 4 days 28<sup>th</sup> – 31<sup>st</sup> August 2014
- g) Rotherham Show 2 days 6<sup>th</sup> and 7<sup>th</sup> September 2014
- h) Maltby Wood Lea Common 5 days 10<sup>th</sup> – 14<sup>th</sup> September 2014
- i) Greasbrough Recreation Ground 4 days 17<sup>th</sup> – 20<sup>th</sup> September 2014

## 6. Recommendations

**That the fairs itemised in section 5 of this report be approved.**

**That rental charges for all district fairs be frozen during 2014.**

**That charges for all apparatus at Rotherham Show funfair be increased by 5%**

## **7. Proposals and Details**

An annual review of fairs applications and charges has been carried out in accordance with audit requirements. The review was carried out by the Markets Management team and included discussions with Showmen

After raising concerns over their falling attendances and increasing operating costs Showmen have requested that current rental fees for all fairs be frozen.

They have also indicated that an increase in the daily charge rate for the district funfairs may necessitate a reduction in the number of operating days in order to reduce their operating costs.

Having reviewed the current agreements and charges it is considered that it would be appropriate to freeze the charges on all district funfairs during 2014.

However as Rotherham Show continues to be one of the Norths major free visitor attractions, attendance figures have not fallen, therefore an increase of 5% should be applied to all equipment at the show funfair.

## **8. Finance**

All fairs income is split 50:50 with RMBC Leisure Green spaces and Events & promotions services.

The proposed changes are considered to be the most that can reasonably be expected to be achieved in the current economic climate. This is expected to generate an additional £228.00 in fairs income, £114.00 of which is the Markets share.

RMBC management costs for all these events are minimal.

## **9. Risks and Uncertainties**

With any increase in operating costs there is a risk that the fair may no longer be financially viable. This risk is considered to be minimal.

## **10. Policy and Performance Agenda Implications**

The provision of fairs for recreation and leisure is an essential element in the efforts to attract more people into the Town and help them to enjoy the Parks and Green spaces.

## **11. Background Papers and Consultation**

Discussions have taken place with Showmen .

Emergency Services, RMBC Highways, RMBC Health & Safety section, RMBC Culture & Leisure services and the Earl of Scarborough will be informed of the proposed fairs following approval.

**Contact Name : Robin Lambert, Markets General Manager, 6956,**  
[robin.lambert@rotherham.gov.uk](mailto:robin.lambert@rotherham.gov.uk)

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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1.	<b>Meeting:-</b>	<b>Cabinet Member for Regeneration &amp; Development</b>
2.	<b>Date:-</b>	<b>6<sup>th</sup> May, 2014</b>
3.	<b>Title:-</b>	<b>Rotherham's Markets – Confirmation of the Legal Basis of Establishment and Operation All Wards</b>
4.	<b>Directorate:-</b>	<b>Environment &amp; Development Services</b>

### 5. Summary

This report confirms the legal establishment of all markets operated by Rotherham Metropolitan Borough Council under the powers available to Local Authorities pursuant to Part III of the 1984 Food Act, namely:

- Centenary Market Hall
- Centenary Outdoor Covered Market
  - Monday General Market
  - Tuesday Second-Hand clothing & Shoes Market
  - Wednesday Antiques & Bric-a-Brac Market
  - Thursday "The Bazaar"
  - Friday General market
  - Saturday General Market
- Town Centre Tuesday Street Market
- Wath Town Centre Wednesday Street Market

### 6. Recommendations

- (1) That the markets itemised in section 5 of this report be confirmed as legally established pursuant to Part III of the Food Act 1984.**



## **7. Proposals and Details**

Part III of the Food Act 1984 gives Local Authorities the power among other things to:

- Establish markets within their district
- Appoint the days and hours on which the markets are held.
- Charge tolls.
- Make byelaws for regulating the use of the market.

The markets operated by Rotherham Metropolitan Borough Council listed in section 5 of this report have all been legally established under this Act or one of its predecessors.

The National Association of British Market Authorities (NABMA) advise that in order to provide clarity and certainty in respect of the establishment of, and the benefits provided by, Market Franchise Rights, a resolution be passed to confirm the establishment and operation of all RMBC markets under powers provided to Local Authorities pursuant to Part III of the 1984 Food Act.

The Council minutes referring to the establishment of each individual market have, over the passage of time, been archived. It is therefore proposed that NABMA advice is followed and the establishment of the markets is re-confirmed; such that one Council minute covers all the Council's established markets.

## **8. Finance**

No changes to finance arise as a result of this report.

## **9. Risks and Uncertainties**

Confirmation of the legal establishment of the listed markets would serve to ensure that there can be no uncertainty in the validity of RMBC's Market Franchise Rights.

## **10. Policy and Performance Agenda Implications**

Vibrant and successful markets contribute significantly to the success of a town centre and are a key element in town centre regeneration; they also support business growth priorities by providing a sustainable environment for business start-up.

The proposal will ensure that RMBC's ability to protect its own operations from potentially damaging rivals is maintained.

## **11. Background Papers and Consultation**

Consultation has taken place with RMBC Legal Services and the National Association of British Market Authorities (NABMA).

**Contact Name : Robin Lambert, Markets General Manager, 6956,**  
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<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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1.	<b>Meeting:-</b>	<b>Cabinet Member for Regeneration &amp; Development</b>
2.	<b>Date:-</b>	<b>6<sup>th</sup> May, 2014</b>
3.	<b>Title:-</b>	<b>Market Franchise Rights Policy</b>
4.	<b>Directorate:-</b>	<b>Environment &amp; Development Services</b>

## 5. Summary

To report on the review of Rotherham Borough Council's Market Franchise Rights Policy in respect of market type events operated by defined organisations for sporting, social, charitable and political fund raising purposes and for those that are privately operated for commercial gain. The changes in policy outlined in this report will align the RMBC policy with European Anti-Competition legislation and will allow for the establishment of commercial market operations subject to eligibility criteria being met.

## 6. Recommendations

**(1) That a revised Market Rights policy and pricing structure as outlined in the body of this report be adopted by Rotherham Borough Council.**

## **7. Proposals and Details**

For the purposes of this report a market is as defined by the Local Government (Miscellaneous Provisions) Act 1982 as being a concourse of buyers and sellers numbering 5 or more stalls stands or pitches. Any event that has less than this number is not legally deemed to be a market and as such falls outside of the scope of the proposed policy. The term 'market' applies to car boot sales, table top sales and craft fairs.

Rotherham Council, as a Markets Authority holds the powers in the form of Market Franchise Rights to operate markets within the Borough free from disturbance from rival markets. These rights allow the Council to create and operate its own markets, license or if necessary prevent through injunctive relief all rival markets within a 6 and 2/3 mile radius of any market it currently operates or licences.

### **Market Rights**

The Council, by virtue of its statutory powers, enjoys market rights throughout Rotherham. All markets held in Rotherham are licenced and operated in accordance with the provisions of Part III of the Food Act 1984. The statutory powers afforded to the Council under the provisions of Part III of the Food Act 1984 enable the Council to:

- a) implement a markets policy within its area;
- b) operate markets within Rotherham;
- c) consider applications for other markets; and
- d) determine whether such markets can be held by way of consent.

Existing RMBC policy allows defined organisations, who wish to hold a temporary market for fund raising purposes which would otherwise infringe the Councils market franchise rights; to operate up to 3 car boot / table top sales / community markets per annum for a one off licence fee of £20. This policy aims to allow genuine fund raising organisations to all have a fair 'bite of the cherry' and stops any one organisation dominating to the detriment of others.

Current practice has also been to licence for a nominal fee, events not run by the Council if they are either of strategic value to the Council or of a specialist nature such as collectors or computer fairs etc. and they do not pose any financial risk to the Councils own operations. Historically, Council policy has always been to exclude the licensing of commercial retail markets that would have a detrimental effect on the Council's own retail markets.

### **Licensing Private Markets under the Council's Markets Policy**

The Council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence is in breach of the Markets Policy and may be subject to the enforcement action described in the Policy. Markets are only licensed once an application for a markets licence has been approved (and signed by both the Council and the Market Operator) and the appropriate fee received by the Council.

Recent legislative changes, in particular the European Services Directive have cast doubt upon whether market franchise rights can continue to be used to control rival

operations suggesting that such actions could be considered to be anti-competitive and in breach of competition laws. This view is not shared by the National Association of British Market Authorities (NABMA) who has taken Counsel's opinion on this matter and is advising its members that market rights are still valid and fall outside of the scope of the European Services Directive.

However, it is important to ensure that any market rights policy is fair and consistent, enabling prospective market operators, whether charitable or commercial to submit an application which will be considered against reasoned criteria. These criteria include

- Public safety,
- The creation of new business opportunities and employment,
- Supporting a balanced market offer and
- Maintaining market standards.

It is proposed that the existing RMBC policy is updated and replaced with a new policy and pricing structure as detailed in "Appendix 2", which allows for the licensing of private markets.

### **8. Finance**

The current policy generates income of £650 per annum with two thirds of this coming from markets held for charitable or fund raising purposes. This income is unlikely to be affected by the policy change.

Although there have been enquiries regarding commercial car boot sales and retail markets it is not possible at this time to estimate what the take up will be when a charging structure is in place.

There will be some staffing cost implications as licensed markets will have to be periodically monitored for compliance with operating criteria, these costs are likely to be minimal and covered by any additional income generated.

### **9. Risks and Uncertainties**

Although advice is that Franchise Rights remain valid and enforceable continuation of the current policy presents a risk that the Council may be subject to legal challenge under EU competition laws which, although unlikely to be successful; may be costly to defend. Neighbouring local authorities in Barnsley and Sheffield have both recently introduced similar franchise rights policies to that proposed in this report.

Increasing the number of markets which operate in the Borough may have a detrimental impact upon our own operations and those of genuine charitable or fund raising organisations. A market policy with strict eligibility criteria will minimise this risk by avoiding a market "free for all" and allowing appropriate markets to be licenced.

## **10. Policy and Performance Agenda Implications**

Vibrant and successful markets contribute significantly to the success of a town centre and are a key element in town centre regeneration; they also support business growth priorities by providing a sustainable environment for business start-up.

Markets also business growth by providing a sustainable environment for business start-up.

The proposed policy will ensure that a fair charitable and private market provision is available whilst at the same time maintaining RMBC's ability to protect its own operations from potentially damaging rivals.

## **11. Background Papers and Consultation**

Consultation has taken place with RMBC Legal Services and the National Association of British Market Authorities (NABMA).

NABMA have received Counsel's advice on the legal aspects of the European Services Directive relevant to Market Franchise Rights.

Market policies from a number of Local Authorities have been referenced to ensure that the proposed policy matches current best practice.

**Contact Name : Robin Lambert, Markets General Manager, 6956,**  
**[robin.lambert@rotherham.gov.uk](mailto:robin.lambert@rotherham.gov.uk).**

# Rotherham Borough Council Market Franchise Rights Policy



2014

## **Introduction**

Market Franchise Rights are used by Rotherham Borough Council to manage the markets that take place within the Borough and ensure that the retailing environment created is successful. This process involves the strategic planning of the location and timing of markets across the Borough.

Rotherham Markets Service manages the Market Franchise Rights for the Borough of Rotherham. It operates markets, as well as approves and licences other markets. Any event deemed a market (private or charity), that is to fall within  $6\frac{2}{3}$  miles of any market currently operated or licenced by Rotherham Borough Council falls within this Market Rights Policy. If necessary the Markets Service can take legal action to prevent the operation of an unapproved market.

The legal definition of a market, being “a concourse of buyers and sellers” with five or more trading positions, shall apply when determining whether an event is a market and falls within this policy. Car boot sales, craft fairs and table top sales all fall within the definition of a market.

Events which have 4 or less paying traders/vendors in attendance are not considered to be a market for the purposes of payment of a licence fee, however the event may still need to meet other planning or event considerations, you are advised to contact the relevant Authority to establish if this is the case.

## **Licensing**

Rotherham Borough Council will allow private individuals or organisations to operate markets subject to their market events meeting certain qualifying criteria and, where applicable; subject to payment of a licence fee.

Irrespective of the location of the market, any permission from the owner of the land or premises, or any planning consent, a separate Market Rights Licence is still required. Without this licence the market cannot take place.

If a market is established without first obtaining the necessary licence from the Council, the market will be considered to be unlawful and the Council will take whatever legal action is deemed necessary to prevent that market from operating.

For successful applications Rotherham Markets Service will issue a Market Rights Licence which will detail the responsibilities of the both the operator and Rotherham Markets. Upon completion and return of the licence, permission will be granted for the market to operate. Where the market is intended to operate on a regular or permanent basis, a bespoke licence agreement may need to be negotiated.

All licensed markets will be monitored and Council Officers, including those of Rotherham Markets, may from time-to-time and without notice, visit the market to ensure the operator's commitments are being fully met. Any breaches or deviations from the Market Rights Licence may result in the removal of permission and closure of the market.

Rotherham Markets will require the licensee to assume full responsibility for all operational aspects of the market operation, including regulatory and legislative requirements such as health & safety management, site management and the relevant insurance(s) required for the market.

If a market is part organised on behalf of a Local Authority Partnership, or where all the proceeds are being donated to a charity, applicants must provide sufficient evidence to support any partnership agreement or charity donations. Rotherham Markets may, if it considers it necessary, contact the named beneficiary to ensure that they are aware of and have authorised the market taking place on their behalf.

### **Application Process**

Applications for a Market Rights Licence are available by post, on the Council website or on request by email and should be submitted to Rotherham Markets at least 28 days in advance of the proposed market.

Rotherham Markets will review all valid applications and appraise each, paying particular attention to:

- a) the economic detriment to Rotherham Borough Council or its traders on any established markets
- b) the type of market, and the commodities being offered for sale
- c) the purpose of the market
- d) the overall size of the market, i.e. the number of individual trading spaces
- e) suitability of the site, including but not limited to the nature of the surface, access and egress for buyers, vendors and emergency vehicles. Where applicable proof must be provided that the site owner has given permission for their land to be used for the purpose of holding a market
- f) appropriateness of the site taking into consideration the proximity to residential property/ major road junctions.
- g) the Health & Safety plans provided
- h) the availability of on and off street parking, external to the site, for use by buyers
- i) the intended duration and frequency of the market
- j) the likely effect on the local amenity of the market
- k) the number and type of markets operating within the locality
- l) local opinion on the holding of the market
- m) arrangements for dealing with any noise, litter, or environmental damage
- n) health and safety of vendors and buyers, including access to toilet facilities if the market is to be over 4 hours in duration and the provision of acceptable first aid facilities
- o) consultation with relevant emergency services and the Council's Streetpride Service
- p) planning consent if more than 14 events in one calendar year are required
- q) compliance with all current relevant legislation
- r) the required public liability/market operators insurances
- s) compliance with the quality standards

The licence as issued will exempt the Council from any liability or loss arising from the operation of the market.

Please note: gaming or betting, the sale of livestock or live animals, explosive materials of any kind and illegal or counterfeit goods is prohibited on all RMBC licensed markets.

The licence may be revoked at any time at the discretion of the Business & Retail Investment Manager.

Applications for a Market Rights Licence will not be valid where the required mandatory information and supporting documents have not been provided, and / or where the application is delivered less than 28 days in advance of the market, other than under exceptional circumstances.



Successful applicants will be issued with a Market Rights Licence to sign and return together with payment of the licence fee, by the prescribed deadline which will be prior to the commencement of the market. Where the signed licence and / or payment is not received by the deadline, the licence will not be completed and the permission will not be granted.

### **Markets on Rotherham Borough Council owned and operated land**

Commercial operators of market type events who wish to use RMBC owned and operated land or public realm areas may also be required to pay an additional site fee to reflect the nature of the site and the involvement of RMBC staff.

The operator will be required to provide full details of the market including:

- I) Layout plans
- II) Risk assessments
- III) Proof of Public Liability Insurance
- IV) Details of any equipment to be used including stalls, generators, cabling etc.
- V) Confirmation that the area has been booked with the relevant Council department.
- VI) Provision of any Food Hygiene Certificates where the market will involve food traders.
- VII) Details of the type of trader who will be attending the market.

This list is not exhaustive and other information may be requested following discussions between the operator and the Council.

### **Market Rights Licence Payments**

All Market Rights Licences are subject to a payment, licences will not be completed until the corresponding payment has been received. The payment will cover to the processing and issuing of documentation, and the monitoring of the Market Rights Policy and licence.

Payments must be made to Rotherham Markets prior to the issue of the Market Rights Licence. Details of the licence fees can be found in the Market Rights Fee Guidance.

In addition, legal fees may also be charges to the applicant should there be a need to agree a bespoke licence agreement.

On occasions a market may apply for and be licensed for an amount of trading spaces, but then may find that the actual event operates with more trading spaces than initially expected. In such circumstances Rotherham Markets must be notified of the variation within seven days after the market has taken place and the operator will be required to pay any additional licence payment. In such circumstances a confirmation of the variation to the licence will be issued.

No refund of Markets Rights Fee will be paid should your market not take place on the date applied for. However, where possible the licence may be transferred to another mutually agreeable date.

**Market Rights Fee Guidance**

<b>Type of Market</b>	<b>Licence Fee</b>	<b>Notes</b>
Indoor Table top sale of up to 30 trading positions operated by a defined organisation*	£20 for up to three markets per calendar year.	Please see RMBC guidance notes relating to markets for charitable purposes
Non-commercial market/car boot sale of up to 30 stalls or 50 vehicles operated by a defined organisation*.	£20 for up to three markets per calendar year.	Please see RMBC guidance notes relating to markets for charitable purposes
Commercially operated market or car boot sale of up to 50 trading positions	£100 per day with a maximum of 12 markets per calendar year	Full charge applies regardless of number of vendors actually attending
Commercially operated market or car boot sale of 51 to 100 trading positions	£200 per day with a maximum of 12 markets per calendar year	Full charge applies regardless of number of vendors actually attending
Commercially operated market or car boot sale of 101 or more trading positions	£250 per day with a maximum of 12 markets per calendar year	Full charge applies regardless of number of vendors actually attending
Commercially operated market or car boot sale over 12 per annum frequency	By negotiation but not less than: £100/ day for 50 vendors £200/ day for 51-100 vendors £250/ day for 101+ vendors	Full charge applies regardless of number of vendors actually attending. Planning consent may be required
Specialist commercial market e.g. record or computer fair	£60 per day with a maximum of 12 markets per calendar year	

\* A defined organisation is one that organises a market type event for genuine charitable, sporting, political or social fund raising purposes as opposed to personal financial gain.

At all markets each trading position (i.e. stall[s], stand[s], vehicle[s] and/or pitch[es]) is defined as an area of no more than 5.00m<sup>2</sup>. Where a trading space exceeds this size it should be considered as a multiple unit.

**Car Boot and Table Top Sales operated by defined organisation**

Car boot and table top sales operated by defined organisations should be restricted, as far as possible, to householders selling surplus household or home-made/produced articles. No new goods should be available for sale.

**Commercially operated Markets and Car Boot Sales**

Car boot sales should be restricted, as far as possible, to the sale of second hand goods only but this may include vendors other than householders selling surplus articles. Commercially operated markets are general retail markets where a variety of goods are offered for sale, including new, second hand or home-made items.

## **Specialist Markets**

Specialist Markets are those where there is a specialised theme or grouping of commodities that make the event more than either a car boot sale or traditional market e.g. Record or Computer fairs, Antique or Farmers' Market, and exhibitions where retailing takes place.

## **Non-compliance with this Policy**

Any non-compliance with this policy will be raised in the first instance with the individual or organisation in order to try to negotiate an agreeable outcome.

Should a suitable agreement not be reached, Rotherham Borough Council may take legal action against the individual or organisation in question.

In addition, Rotherham Borough Council reserves the right to refuse any future Market Rights Licences to events that are proposed by such individuals, businesses or organisations.

In any instance Rotherham Borough Council reserves the right to withdraw a Market Rights Licence and the associated permission for any market operation to continue, as and when necessary.

## **Appeals**

Decisions in respect of all applications will be made by the Markets Manager.

Any applicant whose Market Rights Licence application is unsuccessful, or any licensee whose licence is withdrawn, may appeal in writing to the Council's Director of Planning, Regeneration & Culture within 14 days of receipt of any notice. The notice shall remain effective until the determination of the appeal by the Director of Planning, Regeneration & Culture (or his deputy). The written appeal must include your name, address and contact telephone number, and state the reason(s) why you are appealing.

Within 14 days following receipt of the written appeal, the Director of Planning, Regeneration & Culture (or his deputy) shall confirm his decision in writing, which shall either uphold the appeal or confirm the outcome of the notice."

## **Contact**

Rotherham Borough Council  
Markets Department  
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