

## CABINET MEMBER FOR TOWN CENTRES

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

Date: Monday, 24th January, 2011

Time: 9.30 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 Part 1 of Schedule 12A (as amended March 2006) to the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Rival Market Application (Pages 1 - 3)  
Robin Lambert, Markets General Manager, to report.
  - to consider an application received from a private market operator requesting permission to hold craft markets in Rotherham Borough.

**The Cabinet Member authorised consideration of the following extra, urgent item in order to expedite the matter referred to:-**

4. Town Centre Pitches. (report attached) (Pages 4 - 7)  
Bernadette Rushton, Assistant Town Centre Manager, to report.
  - to consider temporary revisions to the current policy relating to pitches located at Market Square and Effingham Square in light of the proposed physical improvements.

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

1.	<b>Meeting:-</b>	<b>Cabinet Member for Town Centres</b>
2.	<b>Date:-</b>	<b>24 January 2011</b>
3.	<b>Title:-</b>	<b>Rival Market Application Ward 2 Boston Castle</b>
4.	<b>Directorate:-</b>	<b>Environment &amp; Development Services</b>

**5. Summary**

To report on an application received from a private market operator requesting permission to hold craft markets in Rotherham Borough.

**6. Recommendations**

- **The request to hold markets is refused.**
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## 7. Proposals and Details

An e-mailed application has been received from a private market operator; Candice Foers-Bates, requesting permission to hold craft markets in Rotherham at the following venues in 2011:

Holiday Inn Hotel Whiston, 3<sup>rd</sup> April, 4<sup>th</sup> September, 23<sup>rd</sup> October.  
Mechanics Institute Wentworth 17<sup>th</sup> April, 3<sup>rd</sup> July, 2<sup>nd</sup> October, 6<sup>th</sup> November.

The proposed dates do conflict with other planned markets. The dates for the Mechanics Institute markets are all within a week of the licensed farmers and craft market at Wentworth Garden Centre. The 3 April and 4 September dates at the Holiday Inn are within a week of the town centre craft market and craft market at Rosehill Park. The proposed date of the 23<sup>rd</sup> October at the Holiday Inn does not conflict to the same extent with other markets

RMBC currently have plans for the following Craft type markets in 2011:

1. A Farmers & Craft market in the Town Centre on the last Wednesday of each month.
2. A licensed Farmers & Craft market at Wentworth Garden Centre on the second Sunday of each month.
3. Craft markets in Rosehill Park on Easter Sunday 24<sup>th</sup> April, Spring Bank Holiday Monday 30<sup>th</sup> May, August Bank Holiday Monday 29<sup>th</sup> August and Party in the Park 30<sup>th</sup> & 31<sup>st</sup> July.
4. A two day Garden Lovers Fayre in May.
5. Town centre craft markets 10<sup>th</sup> September & 3<sup>rd</sup> December.
6. A Christmas Craft market at Clifton Park 12<sup>th</sup> December.

There is a Council policy which allows organisations to request permission to hold up to three markets per year for charitable or fund raising purposes, a number of these are also craft type events. It is our opinion that Ms Foers-Bates is running a private commercial market rather than a charitable or fund raising operation.

RMBC also license Wales Parish Council to hold a market and car boot sale on Tuesday, Friday and Sunday each week.

## 8. Finance

If allowed the proposed craft markets would attract a license fee of twenty five pounds per market.

## 9. Risks and Uncertainties

RMBC hold Market Franchise Rights which have been used previously to restrain by means of injunction; rival market operations which may have damaged its own markets.

There is a risk that in relaxing the enforcement of these rights and increasing the number and frequency of rival craft type markets in the Borough it may make it difficult to attract traders to our own markets/events and adversely affect visitor numbers.

There is a further risk that other private operators may seek to create markets in the area.

In the granting of licences to Wales Parish Council and the private operator at Wentworth Garden Centre, there may be a contractual or implied obligation on the Authority to use its best endeavours to prevent the establishment of rival markets within its area.

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

The markets division supports regeneration priorities by providing a sustainable environment for small business and business start up.

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

Consultation has taken place with RMBC Legal Services.

A letter of objection to the holding of Craft markets in Wentworth has previously been received from the licensed operator of the Garden Centre farmers and craft market.

**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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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet Member For Town Centres</b>
<b>2.</b>	<b>Date:</b>	<b>24<sup>th</sup> January 2011</b>
<b>3.</b>	<b>Title:</b>	<b>Town Centre Pitches - Market Square</b>
<b>4.</b>	<b>Directorate:</b>	<b>Environment &amp; Development Services</b>

### **5. Summary**

Rotherham Metropolitan Borough Council exercises its powers under part VIIA of the Highways Act 1980 by granting licenses to commercial and not for profit organisations to use designated pitches within the town centre for the purposes of street trading, promotional activities, events & charitable collections.

This report sets out the recommended temporary revisions to the current policy relating to pitches located at Market Square and Effingham Square in light of the proposed physical improvements.

### **6. Recommendations**

**It is recommended that:**

- **Notwithstanding any objections, food use is temporarily permitted at Pitch 5 for a period of 12 weeks to accommodate the relocation of the existing mobile catering vehicle.**
  - **A review of the permanent provision of town centre pitches for sale of food is undertaken and associated report brought to Cabinet Member in due course.**
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## 7. Proposals and Details

Rotherham Metropolitan Borough Council currently grants licences for activities on designated 'pitches' located around the town centre. Appendix 1 identifies the location of these pitches. Improvements to the market square and Boots fountain are planned adjacent to Pitches 1-3. Due to the nature of the works it is proposed that Pitches 1-3 are made unavailable for the duration (estimated 6<sup>th</sup> Feb- end April).

Pitch 1 is currently occupied by a mobile food trader who has been operating in the town centre for a period of more than 10 years. As such an alternative pitch on which the mobile catering vehicle could be temporarily relocated has been identified (Pitch 5).

Permissions for food trading have been restricted wherever possible in recent years in light of the aim to protect the vitality and viability of the town centre; furthermore Pitch 5 is seen as the only suitable location for a mobile catering unit to be sited based on:

- The space that is required on the Highway for manoeuvring the vehicle into position and subsequent access for pedestrians and vehicles.
- The adequate proximity of the pitch to adjacent shop entrances (which is imperative considering smell/ noise/ use of a generator/ storage of associated food items and the use of a rear access door to the vehicle)
- The desire to keep prominent pitches clear for the use for events and promotions which generate town centre footfall
- The aim to enhance the vitality and viability of primary shopping streets and attract new end users to vacant units
- The proximity to a large proportion of the current customer base located at RCAT

The permanent use of pitch 5 for food trading would be subject to 28 days consultation with surrounding businesses that have an interest. The suggested approach to temporarily permitting the siting of a mobile food trailer in this location is to ensure businesses in the vicinity are given a minimum of 7 days notice along with the opportunity to raise any specific concerns regarding impact on their potential business. Where any objections are submitted and cannot be resolved, these will be presented to Cabinet Member for consideration prior to any permission to trade at Pitch 5 being granted.

In addition it is proposed that the suitability of the use of this pitch will be monitored in terms of impact on surrounding businesses, impact on the physical environment, compliance by the licensee of any licence conditions and impact on the safe use of the pedestrian zone by visitors to the town centre.

The Public Realm Strategy identifies the market square (which encompasses the fountain and market entrance) as a potential 'high quality' area which should form part of a network of high profile public spaces. In March 2008 it was agreed through the Cabinet Member that should any future plans for this area not support the location of mobile catering units on the current designated pitches, the provision of pitches for mobile catering units could effectively be removed (unless other suitable locations could be identified). As such it is recommended that a more detailed report

pertaining to the future provision of permanent food pitches be brought to Cabinet Member for consideration in the near future.

## **8. Finance**

The relocation of the existing mobile catering unit to Pitch 5 would not impact upon the current budgets. The estimated annual income generation from the licensing of a single pitch for a mobile catering unit is estimated at £7,800.

## **9. Risks and Uncertainties**

There is a risk that there will be objections raised linked to an expectation to trade and/ or human rights. However, the current licence can be withdrawn if ‘the Council considers that withdrawal of the license is necessary for the exercise of its functions as the Local Highway Authority or otherwise.’ As such the Council is entitled to exercise these rights for either the purpose of allowing the physical redevelopment works to take place or to support the implementation of the Public Realm Strategy. Any claims from existing traders that they have a legitimate expectation to trade or objections linked to human rights arguments would be countered in terms of provision within the licence for its termination which the traders have full knowledge of at the time they enter into it. The Council is not precluded from changing its policy to reflect changed circumstances.

In addition there is a risk that businesses in the vicinity to pitch 5 will be opposed to the proposed temporary relocation. The risk of any negative impact on any business in this area will be minimised through the close monitoring and review of the arrangements, to which they will be invited to contribute.

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

The management of Town Centre Spaces forms part of the overall function of Rotherham Investment & Development Office. The original aim of the Town Centre Spaces Policy supports the 5 Regeneration priorities to and specifically to:

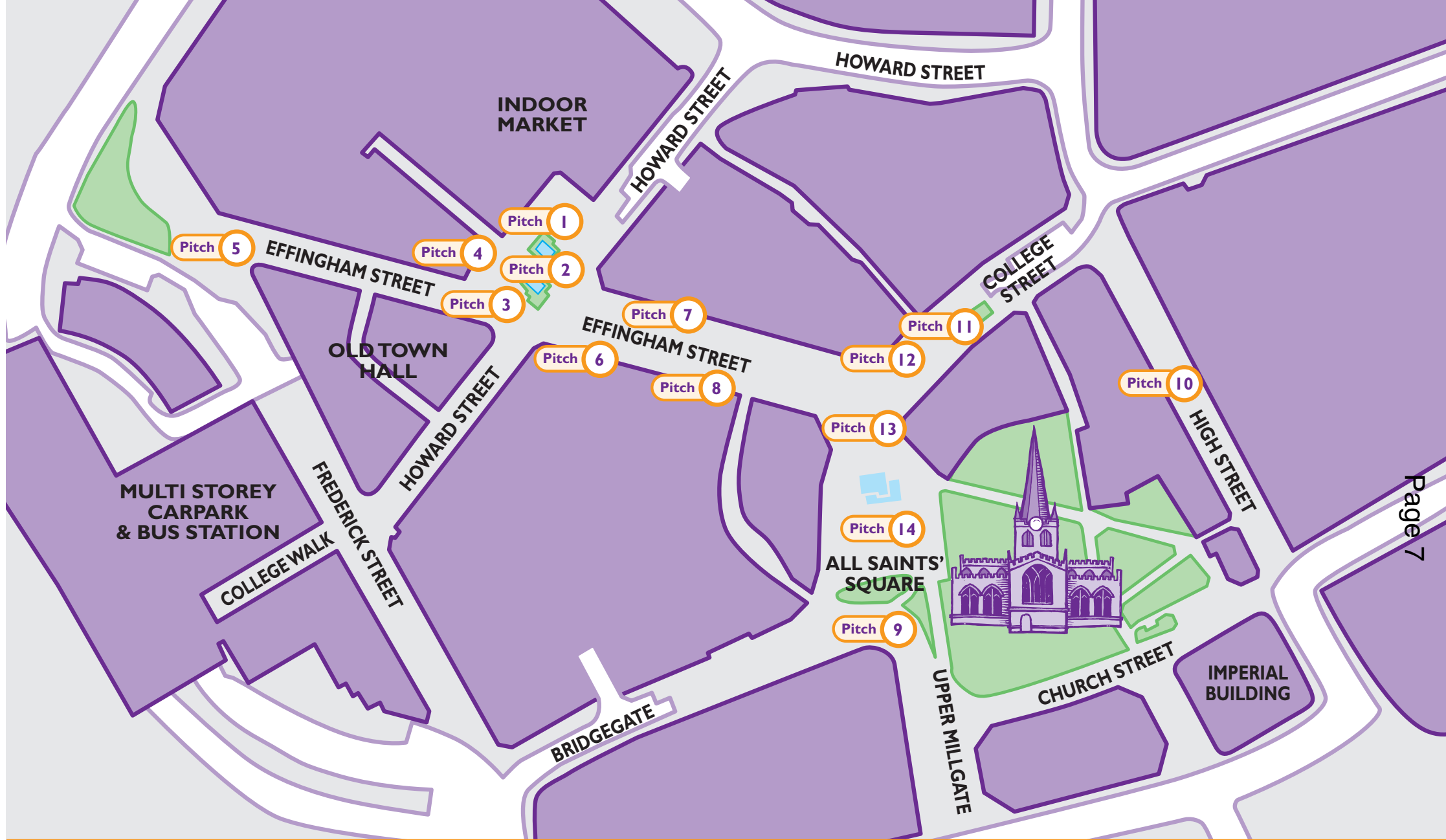
- Achieve Rotherham Town Renaissance by enhancing the role and function of the Town Centre and ensuring that it acts as a hub for social, economic and cultural activity for the wider area.

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

Cabinet Member Report- March 2008 (Town Centre Spaces Policy Review- Mobile Catering Units).

Consultation has been undertaken with RMBC Legal Team, Highways & Transportation Teams, Director of Planning & Regeneration.

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# Town Centre Spaces