

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:-	Cabinet Member for Regeneration & Development
2.	Date:-	6th May, 2014
3.	Title:-	Rotherham's Markets – Confirmation of the Legal Basis of Establishment and Operation All Wards
4.	Directorate:-	Environment & Development Services

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The Council minutes referring to the establishment of each individual market have, over the passage of time, been archived.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).

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