

**CABINET MEMBER FOR REGENERATION AND DEVELOPMENT**  
**6th May, 2014**

Present:- Councillor Smith (in the Chair); Councillors Clark; together with Councillor Pickering

Apologies for absence were received from Councillor Godfrey.

**G127. MINUTES OF THE PREVIOUS MEETINGS HELD ON 7TH APRIL AND ON 11TH APRIL 2014**

Resolved:- That the minutes of the meetings of the Cabinet Member and Advisers for Regeneration and Development, held on (i) 7th April, 2014 and (ii) 11th April, 2014, be approved as correct records for signature by the Chairman.

**G128. MINUTES OF A MEETING OF THE RMBC TRANSPORT LIAISON GROUP HELD ON 19TH MARCH, 2014**

Consideration was given to the minutes of a meeting of the Transport Liaison Group held on 19th March, 2014.

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

**G129. CENTENARY MARKET FEES AND CHARGES REVIEW**

Further to Minute No. G111 of the meeting of the Cabinet Member and Advisers for Regeneration and Development held on 18th March, 2013, consideration was given to a report presented by the Markets General Manager concerning the annual review of all fees and charges in relation to the Centenary Market. The review had been carried out in accordance with the Council's audit requirements and in consultation with representatives of the market traders.

Members noted that the Council had 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 centre 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 store development. Therefore, it was proposed that the markets' fees and charges review be postponed for six months to allow time for consideration and implementation of the findings of the independent study.

The appendix to the submitted report contained the current the fees and charges levied during the 2013/14 financial year.

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

(2) That the various fees and charges in respect of the Rotherham Centenary Market, as detailed in the appendix to the submitted report, shall remain unchanged from the 2013/2014 financial year for the period from 1<sup>st</sup> April, 2014 until 30<sup>th</sup> September, 2014.

(3) That a further review of the markets' fees and charges be undertaken during September, 2014.

### **G130. FAIRS APPLICATIONS AND FAIRS CHARGES REVIEW 2014**

Further to Minute No. G110 of the meeting of the Cabinet Member and Advisers for Regeneration and Development held on 18th March, 2013, consideration was given to a report presented by the Markets General Manager concerning the annual review of fairs applications and charges, which had been carried out in accordance with the Council's audit requirements.

The review had included discussions with Showmen, who had raised concerns over falling attendances and increasing operating costs. Therefore, there was a proposal that the fees shall remain the same as those levied during the 2013/2014 financial year, with the exception of the Rotherham Show days which shall be subject to an increase of 5%.

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

(2) That the dates and rental charges and other charges listed below be approved in respect of the fairs to take place on Council-owned land during 2014: -

(a) Wath Bonfire Ground, four days from 10th to 13th April, 2014 and rental remaining unchanged at £200.00 per day;

(b) Spring Fair at Herringthorpe playing field, four days from 15th to 18th May, 2014, rental to remain unchanged at £6, 862.00;

(c) Kimberworth St. Paul's Fields, five days from 19th to 23rd June, 2014 and rental remaining unchanged at £94.00 per day;

(d) Clifton Park, Rotherham, (i) six days from 2nd to 7th July, 2014; and (ii) six days from 20th to 25th August, 2014 and the rent for both fairs to remain unchanged at £1,664.00;

(e) Victoria Park, Rawmarsh, four days from 28th to 31st August, 2014 and rental remaining unchanged at £238.00 per day;

(f) Wood Lea Common, Maltby, four days from 10th to 13th September, 2014 and rental remaining unchanged at £127.50 per day;

(g) Greasbrough Recreation Ground, four days from 17th to 20th September, 2014 and rental remaining unchanged at £205.00 per day.

(3) That approval be granted for the fairs at Clifton Park, Rotherham, for the two days of the Rotherham Show on 6th and 7th September, 2014, with an increase of 5% on all equipment charges.

### **G131. CONFIRMATION OF MARKET ESTABLISHMENT 2014**

Consideration was given to a report presented by the Markets General Manager which confirmed the legal establishment of all markets operated by this 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 and Shoes Market  
Wednesday Antiques and Bric-a-Brac Market  
Thursday "The Bazaar"  
Friday General Market  
Saturday General Market  
Rotherham Town Centre Tuesday Street Market  
Wath Town Centre Wednesday Street Market

Members noted that the National Association of British Market Authorities (NABMA) has advised 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 of this Council's 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 of the Council's established markets.

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

(2) That the markets itemised in the submitted report and listed above be confirmed as legally established markets pursuant to Part III of the Food Act 1984.

(3) That the Council's established markets continue to be reviewed at regular intervals.

**G132. MARKET FRANCHISE RIGHTS POLICY 2014**

Consideration was given to a report presented by the Markets General Manager concerning the review of this 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 the submitted report will align this policy with European anti-competition legislation and will allow for the establishment of commercial market operations subject to the eligibility criteria being met.

The report stated that a market, as defined by the Local Government (Miscellaneous Provisions) Act 1982, as being a concourse of buyers and sellers numbering five 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, licence or if necessary prevent through injunctive relief all rival markets within a six and two-thirds miles' radius of any market the Council currently operates or licences. All markets held in Rotherham are licenced and operated in accordance with the provisions of Part III of the Food Act 1984

A copy of the Policy was appended to the submitted report.

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

(2) That the revised Market Rights Policy and pricing structure, as detailed in the report now submitted, be referred to the Cabinet for adoption by the Council.

(3) That the Market Rights Policy continue to be reviewed at regular intervals.

**G133. 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) and is commercially confidential).

**G134. TOWN CENTRE BUSINESS GRANTS - BUSINESS DEVELOPMENT GRANT APPLICATION**

Consideration was given to reports presented by the Business Investment Manager concerning an application for a Business Development Grant in respect of a retail shop situated within the Rotherham town centre.

The report stated that the Town Centre Business Development Grant Scheme is funded via the Portas Pilot initiative in Rotherham and is designed to encourage and support existing retail and catering businesses to improve their Rotherham town centre businesses, in order both to protect or to increase sales and profits and to improve the overall quality and variety of the town centre shopping offer. The submitted application complied with the eligibility criteria for this grant scheme.

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

(2) That a Business Development capital grant of £7,500 be awarded to the premises at Effingham Square, now identified, as a contribution towards the cost of refurbishment of the premises.