
REVIEW OF STALL LOCATIONS FOR THE OUTDOOR MARKETS

Responsible Cabinet Member – Councillor John Williams, Economy Portfolio

Responsible Director – Cliff Brown, Director of Community Services

Purpose of Report

1. To consider a recommendation to vary the location of stalls attending the outdoor markets and determine the daily charge for market stalls for 2008-09.

Information and Analysis

2. A review has been carried out by officers on the location of market stalls in response to comments and suggestions, that the layout of stalls at the different markets needed to be changed. Collectively the concerns were that stalls:
 - (a) create a barrier between High Row and West Row
 - (b) obstruct the view of the water feature
 - (c) restrict access to the steps separating High Row from West Row
 - (d) restrict the side view of the ramp and frontage of Binns from Horsemarket
3. In March 2007 Cabinet considered a report dealing with the location, appearance, provision and tolls for all outdoor markets in the newly-pedestrianised areas of the Town Centre. In relation to location it was resolved that on completion of the Pedestrian Heart works, the locations for open markets be West Row, Tubwell Row, Horsemarket and East Row for the general markets held each week, West Row for the Farmers' and Craft Markets and Northgate or Blackwellgate/High Row South for the larger themed markets (including French and Christingle).
4. The March 2007 report referred to consultation with the traders operating the stalls and shops in the covered market building and that they were very keen to see (part of) the outdoor market relocated to West Row and for the outdoor traders to 'wrap themselves' around the building, and that outdoor stalls should be attractive and to a higher standard bringing customers to the covered market. The Town Centre Manager consulted widely with retailers in the town centre and also found a high level of support.
5. To provide a range of markets in the Town Centre, the Council purchased 32 high quality market stalls (16 at 6m x 3m and 16 at 6m x 4.5m), trailers to transport them and electric lighting. The stalls required for each market are erected and dismantled by a contractor supervised by the Markets Manager. Each market trader pays a market toll according to location and the size of the stall. The current daily charge shown in the table overleaf were subsidised by the Council in 2007/08.

West Row	3m x 4.5m gazebo	£25
	3m x 3m gazebo	£20
East Row	3m x 3m gazebo	£15
Horsemarket/	3m x 3m gazebo	£15
Horsemarket	3m x 4.5m gazebo	£20
Tubwell Row	3m x 3m gazebo	£15
Tubwell Row	3m x 4.5m gazebo	£20

6. The Monday and Saturday general markets moved from the Market Square on Saturday 23 June 2007 to wrap around the covered market building. The Market Square then became available for events and pavement cafes every day of the week.
7. During 2007 Officers gained experience of delivering a range of different markets in the pedestrianised areas, including the first annual Summer Market Spectacular that occupied the whole of the pedestrianised area, and incorporated on different days the Craft & Farmers Markets and the general open market. Also a new Thursday general market was introduced.
8. High Row and Blackwellgate have been used for speciality markets in August, October and December 2007 and were treated as events. Through the Public Events Safety Advisory Group (PESAG) process, road closures were identified as a requirement to allow these the markets to take place. To locate regular outdoor markets in these streets, it has been identified that they require a more permanent solution that does not adversely affect deliveries to retail shops or contravene the existing Road Traffic Order.
9. Officers have worked with the market traders and their representative organisation, the National Market Traders Federation (NMTF), to continuously make improvements to the layout and appearance of the stalls on West Row. This has included widening gaps between stalls to improve access to the steps and the ramp, asking traders to display and sell goods from as many sides of their stalls as possible and remove the appearance of a solid canvas wall facing High Row. On the Thursday and Friday markets, smaller stalls have been successfully used in front of the water feature to improve access whilst maintaining the presence of stalls.
10. Making changes to the Monday and Saturday general market presents more of a challenge as stalls occupy all of the available space in West Row. On Mondays (until 1 October 2007) five stalls (6 metre x 4.5 metre) were located in front of the water feature and across part of the adjacent steps. Now on Mondays and Saturdays there are four stalls (6 metre x 4.5 metre) in front of the water feature. The Market completely wraps around the covered market building making no further changes to layout possible without either removing some stalls, waiting for traders to voluntarily leave, or making some traders take a smaller stall (3 metres rather than 6 metres frontage).

11. Leaving smaller stalls in front of the water feature does not provide an unrestricted view and a more radical decision needs to be made. The decision to move some stalls from West Row to another location requires an important issue to be resolved; that they are fairly allocated. During the relocation in June 2007, Officers drafted and consulted with the traders on a scheme that guaranteed all of the existing traders would be accommodated provided that they met new standards on appearance for display of goods. Traders were scored according to specific criteria - goods clashing, uniqueness of goods, size of stall required (traders were limited to a frontage of either 6 metre or 3 metre), previous attendance record and length of service. Starting with the highest score traders were, in turn, allowed to indicate their preferred pitch location.
12. Horsemarket is the area least favoured by stallholders attending Monday and Saturday and it is proposed in the long term general market traders should be relocated to another area. Horsemarket is used on non-market days for short stay car parking and the delivery of goods to the covered market. Relocating these stalls would improve the management of the covered market, goods delivery and waste removal area. This would, in isolation, be seen as a benefit to many retailers. The carpet and rug stall that attends the Saturday market could remain under the glass canopy alongside the covered market building, as it does not occupy a parking space. Reference to possible relocation of these stalls is included in the options for change in **Appendix 1** paragraphs (16) – (24). In the short term it could continue to meet the need of existing traders who currently use the large 6 metre x 4.5 metre stalls and claim the smaller stalls are unsuitable. In the longer term it is proposed that it be kept available only as a stall location for those times when a large speciality market visits.
13. The relocation of the taxi rank in East Row in 2008 necessitated the relocation of stalls in East Row to Tubwell Row. Traders cooperated with this move.
14. The French Market held 18 –21 October 2007 was set up to maximise pedestrian flow in the town centre. Stalls on High Row (North) required a significant separation to allow pedestrian access to the steps, ramp and seating. The stalls in Blackwellgate allowed easy pedestrian flow to High Row and West Row but received less custom than those on High Row. The Farmers Market held on West Row on the Friday had one of their most successful trading days.
15. **Appendix 1** sets out the options for change that were written to address the issues identified in paragraphs 2 and 12 with the assumption that the number, or size of stalls, allocated to current traders will not reduce and that the specialist markets will continue to have Blackwellgate, High Row, Bondgate, Prospect Place and Northgate as available locations.
16. The placing of market stalls in Blackwellgate and other areas of the Town Centre is under the permitted development order only allowed for temporary or occasional use. **Appendix 2** shows locations in the Town Centre where market stalls could be used. Legal Services have advised that planning permission would be necessary to hold a weekly market or increase the number of days that speciality markets are held in these areas.

Summary of options

17. Make no change – Stalls continue to be placed in West Row, Horsemarket, Tubwell Row and East Row “wrapping around” the covered market building. Without a reduction in traders attending the market only minor improvements in layout can be made.
18. Market Square Option - Achieves open viewing and access to the water feature on West Row by removing 24 metres of stalls. The 24 metres of stalls displaced from West Row, together with stalls from Horsemarket and East Row move to the Market Square. This option allows for an increase in stall numbers.
19. Blackwellgate – Achieves open viewing and access to the water feature on West Row by removing 24 metres of stalls. The 24 metres of stalls displaced from West Row and stalls in East Row and Horsemarket are moved to Blackwellgate. This option also allows for an increase in stall numbers.
20. High Row North - Moving 24 metres of stalls from West Row to High row achieves open viewing and access to the water feature. Road closures would be required to make this work safely.

Consultation

17. Allan Draper, the local Chairman of National Market Traders Federation, has been consulted on the proposals included within this report. He was already aware that the Officers had received requests that stalls be removed so that the view of the steps, ramp and water feature are not obstructed and then worked with Officers and his members to achieve improvements to the layout. He has stated that the majority of his members would like to maintain the status quo. He considers that High Row, Northgate and Bondgate are the best trading areas for market stalls.
18. The Traffic Management & Road Safety Manager and the police were consulted about the effects of proposals to locate stalls in Blackwellgate or High Row would have on access, servicing and the existing highway regulations. They concluded that Blackwellgate can be used with market stalls located as shown on the plan attached as **Appendix 3**, without the need to close the highway, provided that traffic management plans are agreed with the Police and that the relevant risk assessments are implemented. High Row on the other hand would require a closure order from the time the markets are set up in the morning to their removal in the evening to protect the safety of highway users. The main differences being that the proposed location of the stalls on High Row, between seats, would provide no opportunity for market vehicles to park away from the service vehicle route; the effective width of the highway is reduced in the areas protected by bollards; and vehicles also travel from Post House Wynd into High Row.
19. The Town Centre Board, on the 6 November 2007, considered a report about the review of the location of stalls at the weekly general markets within the pedestrianised areas of the town centre and were invited to make comments about the options for change shown in **Appendix 1**. The Board were unable to make a firm recommendation on their preferred option. They recognised that there was no simple solution and that before any decision to relocate the stalls could be made further investigation was required by Officers to consider the effects of the various proposals on access, servicing and the existing highway regulations.

20. The Feethams and Markets Group on 13 January 2008 received a report outlining the options. They did not reach a conclusion but did comment on the potential benefits that the Blackwellgate option had for retailers in Blackwellgate, Skinnergate and Grange Road and asked Officers to investigate the opportunity for differentials in the charges made for stalls located in Blackwellgate compared to those on West Row to make the move more attractive to traders. They also asked that Officers develop appropriate arrangements with traders to facilitate the allocation of stalls.
21. The Town Centre Manager has approached the managers of premises fronting onto High Row and Blackwellgate about the possible relocation of stalls and their responses are summarised below:
- (a) Retailers on Blackwellgate were with the exception of one retailer positive. They saw it as an asset and a draw for their shops and felt that businesses had increased their own footfall whilst the speciality markets were situated on Blackwellgate. The retailer who is strongly opposed to having stalls outside their shop front sees them as a physical and visual obstruction, causing a loss of trade through impulse shopping and putting off their type of clientele from making repeat bookings. They commented on having received several customer complaints about the music noise associated with the speciality markets, which were in Blackwellgate.
 - (b) The majority of retailers on High Row were opposed, whereas all Banks were strongly in favour, to having stalls forming part of the weekly general market located on High Row. Issues such as noise from amplified music, smells from food products and also the obstruction of the view to the frontage of their premises from visitors on West Row and Tubwell Row were raised. However, there was general support for the Speciality Markets.
22. Market traders have been consulted on the proposal to move stalls from in front of the water feature, the use of Blackwellgate for a general market, the re-allocation of stalls, and the continuation of differential rents.
- (a) The written allocation scheme developed for the relocation in June 2007, has in consultation with the traders, been modified. Traders will as before be scored according to specific criteria - goods clashing, uniqueness of goods, size of stall required (traders were limited to a frontage of either 6 metre or 3 metre), previous attendance record and length of service; but greater account will now be taken to years of service. The Market Manager will, starting with the highest scoring trader, take each trader in turn for them to indicate their preferred location. The Market Manager will then, taking all relevant factors into account, make the final decision.
 - (b) Only the principal of differential rents was discussed with individual traders and this received general support. Traders are aware that the rents for 2007/08 were subsidised by the Council. **Appendix 6** sets out proposals for the introduction of differential charges for stalls and introduces the principal of charges to be made in relation to catering units or other commercial users who do not use a stall provided by the Council. This is to ensure that they pay a comparable charge that relates to the location and the space that they occupy.

Financial Implications

23. Assuming that the attendance at the general outdoor markets continues at the 2007 level, an additional £42,270 would be collected over a full twelve months. The revised revenue budget would fully meet the projected costs of providing the general markets, craft fair and farmers markets, excluding the provision of the Darlington Summer Market Spectacular and the Winter Market event. The additional revenue raised could be used to make a substantial contribution to the cost associated with the two large seasonal markets.

Legal Implications

24. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. The Darlington Extension and Improvement Act 1872 provides that where a decision is to be made on the discontinuance or establishment of markets or market places the consent of two-thirds of the members present at a meeting must be obtained. It is considered that the proposals contained within this report are matters which require such a decision. The number of votes for and against the proposals therefore need to be formally recorded in the minutes of this meeting and the resolution will only be passed in the event that at least two thirds of members present vote in favour of it.

Section 17 of the Crime and Disorder Act 1998

25. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

26. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

27. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Key Decisions

28. This is a key decision because specifying the possible locations for market stalls will affect town centre businesses, market stallholders and the future viability of the markets.

Recommendation

29. It is recommended that:-

- (a) The Director of Community Services make all of the necessary arrangements, to allow the placing of market stalls in Blackwellgate and that all stalls be allocated to traders attending general markets in the manner described in the report. (Special Note: Two

thirds of members present must vote in favour).

- (b) The Director of Community Services make the necessary application to obtain planning permission to allow the placing of market stalls in all appropriate parts of the pedestrianised town centre for all of the markets that may take place.
- (c) When market stalls can be located in Blackwellgate on market days, then no stalls shall be placed directly in front of the water feature on West Row.
- (d) The Director of Community Services investigates the development of the space in front of the water feature as an event area or pavement café to maximise its potential.
- (e) The daily charge for a market stall in 2008/09 shall be as set out in Appendix 6. The additional revenue raised shall be used to contribute to the cost of the Summer Market Spectacular and Winter Market event.

Reasons

30. The recommendations are supported by the following reasons:-

- (a) To ensure that open markets are sustainable and contribute to the high quality pedestrian town centre
- (b) To continue to support, improve and develop the weekly and themed markets in Darlington.

Cliff Brown
Director of Community Services

Richard Alty
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Background Papers

No Background papers were used in the preparation of this report.

Appendices

- 1 Options for change identified by Officers during the review
- 2 Market locations within the Pedestrian Heart
- 3 Plan of Stall layout - Blackwellgate Option
- 4 Plan of Stall layout - No Change Option
- 5 Plan of Stall layout - High Row Option
- 6 Proposed charges for stalls

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