
PROVISION OF OUTDOOR MARKETS STALLS

**Responsible Cabinet Member - Councillor Stephen Harker,
Consumer and Environmental Services Portfolio**

Responsible Director - John Buxton, Director of Development and Environment

Purpose of Report

1. To consider the location, appearance and the provision of stalls at all outdoor markets in the newly pedestrianised areas of Darlington Town Centre.

Background

2. The Council currently operates a number of outdoor markets:
 - (a) General Market held on Monday and Saturday of every week.
 - (b) The Farmers' Market held on the third Friday of the month.
 - (c) The Craft Market held on the second Friday of the month.
 - (d) Christingle Market held during December to support late night shopping (between 1 pm and 8 pm).
 - (e) Speciality Markets eg French Market, Pot Fair.
3. Several issues have led to the need to consider the location, appearance and provision of stalls to Darlington's outdoor markets. These are the Pedestrian Heart works creating a quality pedestrianised town centre, the report produced for the Council by consultants on the long-term future of the markets, declining trader numbers, traders' views on the Market Square as a trading location and perceived public demand for quality presentation.

Information And Analysis**Location of Stalls**

4. The Market Square has for many years provided the location for the regular weekly market and in its early days, the Farmers' Market. Consultants employed to advise the Council on both the Pedestrian Heart (Gillespies) and the Future of the Markets (King Sturge), together with the local representative for the National Market Traders Federation (NMTF), favour Market Trading on West Row. Retailers in Blackwellgate, the southern end of High Row and the Covered Market were consulted and they saw a positive benefit to retailing provided that stalls were of a high standard.

5. Officers can confirm that West Row will be able to accommodate the Farmers' Market, Craft Market or general market stalls on different days. However, the Christingle and French Markets and possibly some other themed markets that the Council is hoping to attract are too large to be accommodated on West Row. Larger themed markets can either be sited in Northgate or Blackwellgate (with the adjoining southern section of High Row).

Appearance of Stalls

6. It was recommended to the Council by Gillespies, the Design Consultants for Pedestrian Heart, to have an improved stall appearance for use in the town centre using an autumn colour palette. Some traders have expressed concern about the colour of the roof affecting the appearance of the goods displayed. This can be addressed with future purchase of stalls with a light coloured roof that is sympathetic to the autumn colour palette.
7. The King Sturge report recommends that the issue of presentation be tackled as a priority and states: "The stalls used by many traders create a low quality visual offer that should be unacceptable in today's high quality town centre retail environment."
8. Officers have drafted a specification for stalls that would secure a consistent and high quality stall presentation and this is attached for stalls as **Appendix A** and for trailers and motor vehicles as **Appendix B**.

Provision Of Stalls

9. The Farmers' Market, operational since October 2000, the Christingle Market established 1998 and the Craft Market established 2006, have always been provided by the Council with fully erected stalls.
10. Until April 2004 the Council provided erected stalls for the traders at the weekly (Monday and Saturday) Markets held in the Market Square. These identical stalls were built of aluminium tube and were provided with a weatherproof cover. Ending the service meant that the Council no longer had to fund the repair, storage and erection costs associated with the stalls. Some of these savings were given back to the traders in the form of a toll reduction. After April 2004, traders attending the weekly markets provided their own stalls. Traders took the opportunity to change the size and shape of the stall and some created a 'walk-in' type unit as an alternative to serving over a counter. In relation to appearance the only requirement made by the Council was that the stall covers used by the trader must be green and white striped.
11. In 2005 sixteen gazebo stalls (6 metre x 3 metre) were purchased for use by traders attending the Farmers' and Christingle Markets held on High Row with erection and dismantling carried out by Markets Officers.
12. In 2006 responding to requests from market traders, it was agreed to pilot the general market in Bondgate and then Tubwell Row, as sections of the "Pedestrian Heart" became available, using 12 of the gazebo stalls. This ensured that the appearance of the open market stalls matched the newly created pedestrianised area and allowed traders the opportunity to try out the stalls.

13. Officers believe it is unlikely that the existing open market traders will themselves invest in replacement stalls to the standard proposed and that the Council should purchase them through Prudential borrowing, recovering some of the costs through tolls and income from a new Thursday general market with 10 stalls.
14. The toll charged needs to include the cost of erecting and dismantling stalls. This would have meant a significant increase that can be justified given the enhanced trading environment traders will enjoy on completion of the Pedestrian Heart works and utilising West Row as a prime trading location. It is, however, proposed in the first year to charge at a reduced level to assist existing traders cope with the changes and encourage them to invest in improving the display quality. This has been discussed with the local NMTF Chairman who supports the proposal. This rent will be reviewed during the process of setting the Council budget for 2008/09. A list of the proposed charges is attached as **Appendix C**.
15. If the decision is made to purchase and make available additional stalls then the informal arrangements made by officers to employ a contractor to erect and dismantle the gazebo stalls will have to be subjected to the tender process.
16. The operators of the Continental Style Market have indicated that they will continue to provide and erect their own high quality stalls.

Outcome of Consultation

17. Since the initial agreement on stall quality within the pedestrianised areas, traders have been consulted both formally and informally. The use of the “new” Council owned stalls has been piloted for the general market on Tubwell row and stallholders have agreed to pay an increased toll to cover the cost of erection and dismantling. Traders have all had an opportunity to use the new stalls. The consensus of opinion is that whilst they recognise the need to upgrade stalls, they are concerned about the cost; room within their existing vehicle(s) to accommodate them; and that they could not use them at markets they attend on other days of the week eg Northallerton, Stockton and Durham.
18. Their comments leads officers to believe that irrespective of where the Outdoor Market is located, its future depends on the ability to upgrade in both product (range/quality) and physical presentation to satisfy increasing public expectations.
19. The traders operating the stalls and shops in the covered market building are very keen to see (part of) the outdoor market relocated to West Row and for other traders to ‘wrap themselves’ around the building, occupying positions in Horsemarket, Tubwell Row and East Row. Equally they realise that all such outdoor stalls need to be attractive and to a higher standard bringing customers to the covered market.
20. The Farmers’ and Craft Market traders positively welcome a relocation to West Row, which they expect to become a key trading area.
21. The Christingle, French and other very large markets can only operate in those pedestrianised areas that can safely accommodate them. These are Northgate (between the junctions of Prospect Place and Crown Street) and Blackwellgate/High Row South. The French Market operator piloted Northgate in October 2006 and responded positively to the changes proposed.

22. There will continue to be a need to accommodate a small number of traders who are for a number of reasons unable to trade from a stall. Examples are specialist demonstrators, food and drink caterers and insurance and DIY companies whose presentation forms part of their selling exercise. These will be sensitively placed with design approval being made by the Markets Manager.
23. Two of the Market traders attending the Monday market have indicated that they wish to remain on the Market Square rather than take the opportunity to move into the high quality stalls in the newly pedestrianised areas. The reasons they have given are that the proposed maximum stall size of 6 x 4.5 metres is not sufficient for their needs and that the proposed stall charge is too high. Agreeing to their request would prevent the establishment of the general market with a unique and consistent standard appearance also limit alternative uses for the square on each Monday and Saturday. The Council is under no legal obligation to continue to provide space on the Square for these traders.

Financial Implications

24. A business case has been prepared to assess the financial viability of purchasing further gazebo stalls to achieve the improved appearance required in the proposed locations. The cost of prudential borrowing to purchase 16 x 6m x 4.5m is £8,840 per annum. The cost of transport, erection, lighting and dismantling for all stalls is estimated at £ 99,600 per annum. Key assumptions are that a substantial majority of stallholders will transfer to the new stalls/locations and that the proposed Thursday market will be established with at least 10 stalls (see paragraph 13).
25. The business case indicates that, at projected levels of income, there will be an increase in net expenditure in 2007-08 of £54,000. Consequently, additional resources are requested to be released to support this important initiative

Legal Implications

26. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

27. 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

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

Decision Deadline

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

Key Decisions

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

Recommendation

31. It is recommended that:

- (a) The locations for open markets, on completion of the Pedestrian Heart works will 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).
- (b) Market stalls/vehicles must have a consistent style and appearance as detailed in **Appendix A** and **Appendix B** to this report.
- (c) That a charge be payable, as part of the market toll, by those market traders using council owned stalls that includes the cost of erecting and dismantling the stall. That the charges for stalls be those shown in **Appendix C**.
- (d) That Officers be authorised to commence the tender process to find a contractor that can erect and dismantle Council owned stalls at each of the open markets.
- (e) Additional resources of £54,000 be approved for 2007-08.

Reasons

29. The recommendations are supported by the following reasons:

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

John Buxton
Director of Development and Environment

Background Papers

A Vision For Darlington's Markets: A Report Produced For Darlington Borough Council By King Sturge and New Markets Solutions. September 2006

Appendices

- a Specification for market stall located within the pedestrian heart
- b Specification for trailers and motorised vehicles trading on a market within the Pedestrian Heart
- c Charges for stalls at markets to be held within the Pedestrian Heart 2007/08

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Specification for market stall located within the Pedestrian Heart

1. The space allocated for a stall varies according to location. All goods offered for sale must be contained within the stall. The sizes for traders use are:
 - (a) 3m wide x 3m deep
 - (b) 6m wide x 3m deep
 - (c) 3m wide x 4.5m deep
 - (d) 6m wide x 4.5m deep

2. Construction
 - (a) Frames to be lightweight, strong, aircraft quality aluminum, capable and light enough for one or two persons to lift and erect in less than 5 minutes. Flexible to allow traders who may require more than one unit to join together which would allow adjacent traders to link together using the feet and weight system provided by the manufacturer.
 - (b) Wall, roof and front skirt covers to be PU coated 7oz fabric be durable, fire retardant, fade resistant, waterproof and be capable of being removed for cleaning.
 - (c) Wall covers to be consistent with the Gillespies design concept with a colour palette of:
 - (i) Forest Green/Gold
 - (ii) Forest Green/Orange
 - (iii) Brown/Gold
 - (iv) Brown/Orange

3. Stability

A written copy of the stall manufacturer's method statement for the erection, anchorage and dismantling of the stall shall be made available to the Markets Officer. When used in Darlington the minimum weights required to hold down a stall will be:

a	3m x 3m 3m x 4.5	Outside legs 3 x15kg (45kg) Outside legs 3 x 15kg (45kg)
b	6m x3m 6m x 4.5	Outside legs 3 x15kg (45kg) Middle legs 2 x15kg (30kg)
c	If joining units together	The legs are to be linked by 15kg weight on each pin on each foot and a second weight put on both pins securing the legs together (45kg)

Stall Displays

- (a) Traders shall not erect any trestles, dress rails or permit any other article to be displayed on the market outside the defined area of the stall.
- (b) For front counter stalls the front skirt supplied by the manufacturer, that meets the Council's colour requirements, must be used and fitted correctly.
- (c) Display stands/tables should be in a serviceable and safe condition.
- (d) Tables must be covered and skirted with a clean and appropriate type of material.
- (e) All non-essential equipment must be stowed away and not visible.
- (f) The clothes/bags hangers used for walk in stalls must be constructed to a specification approved by the Market Manager and kept in a good safe state of repair.

Specification for trailers and motorised vehicles trading on a market within the Pedestrian Heart

The vehicle, including electrical generators used to operate equipment (ie refrigeration units) and artificial lighting is subject to prior approval by the Markets Manager.

A vehicle must be roadworthy and copies of registration, safety or test certificates issued for the vehicle and related equipment shall be available for inspection by the Markets Manager.

1. The maximum dimensions will be:

Trailer/caravan	2.3 metres wide x 7.2 metres long including tow bar
Motorised vehicles	3.0 metres wide x 9.0 metres long

Special note: Vehicles which exceed these sizes may in exceptional circumstances be approved by the Markets Manager

2. Exterior Appearance

- (a) Colour to be white unless the merchandising colours of the organization form an integral part of the display and that it has been approved by the Markets Manager.
- (b) Clean and tidy with only merchandise intended for sale on display.
- (c) Maintained in good repair and free of obvious damage (eg protruding sharp edges, tears, holes or flaking paint).
- (d) Decorations, adverts or motifs applied to any cover, overhang or similar shall only be allowed by prior approval.

3. Avoiding Causing Nuisance

- (a) Loud speakers, horns, flashing lights or other instruments to attract the attention of customers shall not be used at any time.
- (b) Noise from any background music played at the stall, or the demonstration of merchandise offered for sale, shall not be heard at a distance of 6 metres (any noise causing complaints from residents or nearby businesses shall be reduced to a level agreed by the Markets Manager, whose decision is final and binding).

Charges for stalls at markets to be held within the pedestrian heart 2007/08

West Row	3m x 4.5m gazebo	£25
	3m x 3m gazebo	£20
East Row	3m x 3m gazebo	£15
Horsemarket/ Blackwellgate	3m x 3m gazebo	£15
Horsemarket	3m x 4.5m gazebo	£20
Tubwell Row	3m x 3m gazebo	£15
Market Square	gazebos	£15 selling second hand goods
Christingle Market in Northgate or Blackwellgate/ High Row	3m x 4.5m gazebo	£25
	3m x 3m gazebo	£20
Speciality Markets in either Northgate or Blackwellgate/ High Row	Traders own stall	A minimum of £300 per day for the whole market

Note:

- 1 Council Stalls are provided fully erected with electric lighting. A front skirt is provided.
- 2 Council Stalls provided for Farmers Market, Christingle Market or Craft Fair will be provided with two tables as part of the charge. Additional tables will be charged at £1 per day (subject to availability and a maximum of 2 per trader).
- 3 The Council, on request provides a maximum of two stalls, on each Saturday and Monday, for the use of non-profit making organisations. This is subject to the condition that they pay the cost of public and product liability insurance (£4 per day) and that they can only attend the market on two occasions in each year.