

Notice of a public

**Decision Session - Economic Development and Community
Engagement (Deputy Leader)**

To: Councillor Aspden

Date: Tuesday, 1 November 2016

Time: 2.00 pm

Venue: The Thornton Room (G039), Ground Floor, West Offices

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by:

4:00 pm on Thursday 3 November 2016 if an item is called in *after* a decision has been taken.

*With the exception of matters that have been subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

Written representations in respect of item on this agenda should be submitted to Democratic Services by **5.00pm on Friday 28 October 2016**.

1. **Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he may have in respect of business on this agenda.

2. **Minutes** (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 4 October 2016.

3. **Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **5.00pm on Monday 31 October 2016**.

Members of the public may register to speak on an item on the agenda or an issue within the Executive Member's remit.

Filming or Recording Meetings

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. **Amendment to the Markets Charter** (Pages 5 - 16)

This report asks the Executive Member to vary the application of the Markets Charter to permit Acomb Market to take place on the last Friday of each month, following a successful trial in June 2016.

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Laura Clark

Contact Details:

- Telephone – (01904) 554538
- Email Laura.Clark@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Decision Session - Economic Development And Community Engagement (Deputy Leader)
Date	4 October 2016
Present	Councillor Aspden

9. Declarations of Interest

The Executive Member was asked to declare any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that he might have in respect of the business on the agenda. None were declared.

10. Minutes

Resolved: That the minutes of the last Decision Session held on 16 August 2016 were approved as a correct record and signed by the Executive Member.

11. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

12. Business Friendly Council - progress update

The Executive Member considered a report which provided an update in relation to the progress which has been made toward becoming a 'business friendly' council. This included a review of the services we currently provide for business and an assessment of our internet presence on the Council website.

Officers updated the Executive member on work that had been undertaken since April 2016, including consultations with staff, businesses and business groups such as the Federation of Small Business (FSB) and Chamber of Commerce. Some issues highlighted by Officers were:

- Work to strengthen business consultation methods.
- Signposting and how to eliminate confusion between the roles of City of York Council and Make it York.
- Digital Services – in particular how the website could be enhanced.
- Promotion of business services.

The Executive Member stated that discussions with the FSB and the Chamber of Commerce suggested that there were some excellent service areas within the Council and it was essential to share this best practice.

Resolved: That the Executive Member:

- I. Noted the work that has been undertaken to reach the objective of becoming a business friendly Council since the last Decision Session.
- II. Advised that the following next steps (set out in the paper) should be explored further and agreed to a programme of work to deliver some of the recommended outcomes.
 - a) Review how we consult with businesses with the aim of launching a new business consultation approach by April 2017.
 - b) Signposting – for example, work to eliminate the confusion between the role of Make it York (York Means Business, Visit York, Science City York) and City of York Council.
 - c) Website – review the findings from the staff and business surveys with ICT and the Web Team.
 - d) Promotion – looking at ways to promote our business services with Marketing and Communications.

- III. Agreed that work continues to develop 'business friendly' ideas and projects as a whole and that 'business friendly' becomes best practice procedure within the authority.

Reason:

- I. To continue work on business friendly Council and to foster stronger, more supportive working relationships with local businesses.
- II. To provide the best possible service for internal and external customers.
- III. To deliver tangible results for positive change and to support continuous service improvement.
- IV. To streamline existing processes where possible to produce better quality results.
- V. To demonstrate to the business community and staff that we have learned from their feedback.
- VI. To show ongoing commitment to transparency and accountability to residents and business.

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Decision Session – Executive Member for Economic Development and Community Engagement (Deputy Leader)

1st November 2016

Report of the Director of City and Environmental Services

Grant of a licence under the Markets Charter for Acomb Market

Summary

1. The Council wishes to work with local businesses to promote local high streets. To support this, in April 2016 the Executive Member for Economic Development and Community Engagement agreed that £17,800 – the remainder of a one off Council fund of £30k agreed in 2013 - be transferred to 'Acomb Alive!' to promote Acomb Front Street.
2. Since this announcement, 'Acomb Alive!' introduced a trial street market in June this year, taking place each subsequent last Friday in the month.
3. The Market has been a success, with an increase in shopper footfall in Acomb and a rise in interest from stalls selling both traditional and modern goods. The latter is evidenced by the monthly growth in the amount of participating stalls, many of which are sell out on the day, and a 'record number' of businesses coming forward for the September event. This is a boost to the local economy, evidenced by positive coverage in the newspapers and a refreshed sense of community pride in the area.
4. As a result of these factors, 'Acomb Alive!' are keen to extend this provision from a trial market to a permanent market on the last Friday of every month. To allow them we do this we need to grant a licence under our Markets Charter.

5. The Markets Charter for York has existed since 1316. The purpose of the Charter is to ensure that the Shambles Market is the principal market for York. As such, no markets are permitted within a six and two-thirds mile of the Shambles Market unless they are on a trial basis or unless the Council agrees to a licence under the Charter.
6. Granting a licence under the Charter is not new for York, and an existing licence was implemented in 2010 to allow Haxby & District to hold a market.
7. To allow Acomb Front Street the option to run a monthly market, the Executive Member is asked to agree the licence under the Markets Charter to allow the Acomb Market to take place 12 days per year, or once per month. This licence will be on a similar basis to the existing amendment for Haxby.

Recommendations

8. The Executive Member for Economic Development and Community Engagement is asked to consider:
 - a) Granting a licence for Acomb Market under the existing Markets Charter for York.

Reason:

To allow for the monthly Acomb Front Street Market to take place by a licence under the Charter.

Background

9. The existing Markets Charter dates back to 1316. It forbids any organisation other than the Council from holding a market of more than six stalls within six and two-thirds of a mile of York Shambles Market.
10. 'Acomb Alive!' the local traders association propose to hold a monthly market which, under the current terms of the existing Markets Charter, would not be permitted.
11. This is a popular and established community event which requires formal recognition in the Markets Charter to allow status to progress from that of trial basis to permanent feature.

Options

12. The options available to the Executive Member are:
 - a) Approve the licence under the Charter to allow the inclusion of Acomb Market on a similar basis to that made for provision of a Haxby Market.
 - b) Do not approve the licence under the Charter and seek to prohibit the Acomb Street Market as a breach of the Markets Charter.

Analysis

13. The licence under the Charter would formalise the inclusion of Acomb Market and allow for a more modern and inclusive interpretation of the original document.
14. The relevant Annexes from the Charter are appended to this report.
15. Annex B shows that Haxby Market has already been included within the document, and has its own terms and conditions. Acomb Market is requesting a similar Annex to allow them to trade 12 times per year for the benefit of traders and the local community.
16. The later addition of Haxby Market sets a precedent for other localities to come forward to ask for specific licences under the Charter.
17. Granting a licence to Acomb Market, in addition to Haxby, is not expected to have a detrimental impact on the existing Shambles Market for a number of reasons, including:
 - a. Frequency – both markets trade one day per month, whilst Shambles Market operates seven days per week
 - b. Audience – local markets are more likely to attract local residents as there is no need to travel into the City Centre. The Shambles Market attracts people from across a much wider geography, so any impact on footfall is expected to be negligible.

- c. Location – The Shambles Market is in the centre of York, making it a much more obvious hub to draw people in, on a similar note to (b) above.
 - d. Tradition and reputation – The Shambles Market has been established for centuries and is in the heart of our historic City. This makes it a tourist attraction within its own right.
 - e. Specialist events – As Shambles Market is larger and more central than Acomb and Haxby, it has the capacity to run events as well as stalls. These have included:
 - A Night Market as part of Illuminating York. Last year this event attracted 40,000 people
 - ‘Meet the Author’ events
 - ‘Street Feast’ events
 - A Vintage Easter Market including ‘sights and sounds from the 1940s to 1960s’
18. Annex 2, includes the proposed draft text for a licence under the Market Charter of Acomb Front Street.
19. This also includes the requirement to pay a fee of £100 per market in line with the current clause for Haxby Market. The terms of the additional Annex, including the fee, will be reviewed in 2026.

Council Plan

20. This proposal supports the Council Plan priority of ‘a prosperous City for all’, where local businesses are allowed to thrive.

Implications:

Financial

21. There are no implications for City of York Council. ‘Acomb Alive!’ will be required to pay a market fee of £100 per market to Make it York who operate the Markets Charter on behalf of the Council.

Human Resources (HR)

22. There are no HR implications

Equalities

23. There are no adverse equalities implications.

Legal

24. Legal Services will prepare the Licence.

Crime and Disorder

25. Not applicable

Information Technology (IT)

26. Not applicable

Property

27. Not applicable

Other

28. Not applicable

Risk Management

29. There are no known adverse risks in granting the licence under the Charter.

Contact Details

Authors:

Phil Witcherley

Penny Nicholson

Title

- Group Manager

- Policy and Strategy Officer

Policy and Strategy Team
(Economy and Place)

Department name

City and Environmental
Services

Telephone

553343

551506

Executive Member responsible for the report:

Cllr Keith Aspden

Deputy Leader,

*Economic Development & Community
Engagement*

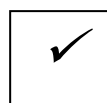
Chief Officer's name

Neil Ferris

Title

Director of City and Environmental
Services

**Report
approved**



Date: 13th October 2016

Specialist Implications Officer (s) - Not applicable

Wards affected: Westfield and Acomb

Background Papers:

Markets Charter for City of York Council – relevant excerpt attached as Annex 1.

Proposed wording for terms and conditions on the inclusion of Acomb Market – Annex 2

ANNEX A

OPERATION OF MARKETS IN THE CITY OF YORK COUNCIL AREA

GUIDANCE NOTES FOR OPERATORS

What is a Market

A market is described in common law as a concourse of buyers and sellers.

This definition covers a wide variety of activities including traditional markets, car boot sales, charity sales, in store franchises, specialist fayres etc.

City of York Council's Market Rights

The historic City of York has been granted Royal Charters to operate a market, the first dating back to 1316.

Through history these rights have been confirmed by two Private Acts of Parliament which give the Council a monopoly right to hold market within its area. The Council currently operates a market in the Newgate area of the City on each day of the week and occasional themed or event markets in Parliament Street.

Effect of Market Rights

Common law gives the Council the right to object to the establishment of a new market within 6 2/3 mile radius of its own i.e. Newgate and Parliament Street. Where the proposed new market is to be held on the same day as the Newgate Market or Parliament Street Market, a High Court may grant an injunction prohibiting the establishment of the new market.

In effect the Council may object to any market held, on any day of the week, within a 6 2/3 mile radius of Newgate Market/ Parliament Street (the prescribed distance).

The Council, in exercising this right, will grant a licence to certain markets held within the prescribed distance which do not conflict with its markets.

In order to reduce unnecessary bureaucracy the following markets are deemed to be licensed in accordance with the Council's 'Market Rights' without need for formal application.

- a) Sunday markets within a 6 2/3 mile radius of Newgate Market that were established pre 1996 under arrangement with York City Council, Ryedale, Selby or Harrogate District Councils.
- b) Markets selling only second hand or used goods i.e. car boot sales, flea markets, car auctions, antique sales.
- c) Markets involving the sale of live animals.
- d) Charitable fetes, galas and other events where the proceeds are solely for the benefit of the fundraising charity or non profit making organisations.
- e) Specialists clubs or rallies.

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- e) Specialists clubs or rallies.

ANNEX B

Terms and Conditions

1. The Haxby & District Market is to be held at the Premises only and no other location is permitted.
 2. The markets are to be held on a Wednesday only with no more than 14 days of operation within a 12-month period. These dates must be agreed in advance with the Council's Market Management.
 3. Bank Holiday markets may be considered upon request in advance to the Council's Market Management.
 4. No trader who stands on York's Newgate Market on a Wednesday/ Bank Holiday is permitted to stand on the Haxby & District Market and the Operators must supply the Council's Market Management with the names and details of traders at each market at least 7 days before the market is held.
 5. The Operators are to make their own arrangements for stall hire and erection.
 6. The Operators must arrange and have valid and adequate Public Liability Insurance and a valid and competent Risk Assessment for the whole markets operation and must provide evidence of each to the Council's Market Management at least 7 days before each market is held.
 7. A Market Licence fee of £100 per market (regardless of the number of stalls in operation) will be payable to the Council (for period to 31 March 2012). The Council's Market Department will invoice on a monthly basis. The Market Licence fee will be reviewed in April 2012.
 8. In addition to the Market Licence fee, a Street Trading Consent for each market held must be purchased in advance from the Council's Licensing Department.
 9. The market will be visited by the Council's Market Management and the Council reserve the right to impose further conditions upon the Operators if appropriate and giving reasonable notice.
-

ANNEX C

1. The Council may revoke this approval if it is satisfied, after considering any representations from the holder, that:
 - a) the market operated conflicts with the Council's own market;
 - b) the Operators have failed to comply with the terms and conditions of this approval.
-

Proposed wording for terms and conditions on the inclusion of Acomb Market in the Annexes of the Charter

Terms and conditions

1. The Acomb Front Street Market is to be held at the Premises only and no other location is permitted
2. The markets are to be held on a Friday with no more than 12 days operation in a twelve month period. These dates must be agreed in advance with the Council's Market Management
3. Bank Holiday markets may be considered upon request in advance to the Council's Market Management
4. No trader who stands on York's Newgate Market on a Friday/ Bank Holiday is permitted to stand on Acomb Market and the Operators must supply the Council's Market Management with the names and details of traders at each market at least 7 days before the market is held.
5. The Operators are to make their own arrangements for stall hire and erection.
6. The Operators must have a valid and adequate Public Liability Insurance and a valid and complete Risk Assessment for the whole markets operation and must provide evidence of each to the Council's market Management at least seven days before each market is held.
7. A Market Licence fee of £100 per market (regardless of the number of stalls in operation) will be payable to the Council (for the period to 31 March 2026). The Council's Market Department will invoice on a monthly basis. The Market Licence fee will be reviewed in April 2026.
8. In addition to the Market Licence fee, a Street Trading Consent for each market held must be purchased in advance from the Council's Licensing Department.
9. The market will be visited by the Council's Market Management and the Council reserve the right to impose further conditions upon the Operators if appropriate and giving reasonable notice.

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