

DOWNHAM MARKET TOWN COUNCIL MARKETS STRATEGY GROUP
NOTES OF MEETING HELD FRIDAY 21ST AUGUST 2020 AT 1.00 PM

Due to the Covid-19 Coronavirus Pandemic this meeting was held remotely by way of zoom videotelephony system.

‘To research, develop and promote the Markets being mindful of their historic evolution’

	Present: Cllrs Woodmin, Westrop, Bulley, Pickering, Hayes, Daymond, Sharman, and Horne Town Clerk E Oliver	
1	<u>To receive Members apologies</u> Cllr Lightfoot	
2	<u>To receive any declarations of Interest</u> There were no such declarations	
3	<p><u>To discuss comments received on proposed Market Licence and Regulations</u> 22 comments have been received in response to the consultation. Many comments from the public were not focussed on the licence document but were general complaints.</p> <p>The comments covered the following issues and the Clerk and Cllrs responded as follows:</p> <ul style="list-style-type: none"> • The existence of a Market Charter – Cllrs are still pursuing the existence of a Charter through The Abbot of Ramsey’s records at Kew (which is closed) or the Archbishop’s Palace, Westminster. • Closure of the Market – already refuted by Cllrs and not relevant to Licence. • ‘Too many rules and regulations’ – by-laws and current licence conflict – by number there are more regs in the current licence/by-laws than in the proposed document. • One person disagreed with presence of the Donut van. No comment required. • ‘It’s a one-sided document’ – the licence has been based on that in existence at Bishops Stortford, with some concessions and additional rights to traders in DM. It’s a much more transparent document detailing how the Council will deal with traders. • ‘Traders have to reapply for licences they already have’ – historically not all traders had a licence. The Council is working to level the playing field so all traders are treated equally. The Council has the right to amend it’s licence terms and conditions without consultation, but chose to invite comments on the draft document in consideration to the existing traders. • ‘No safeguarding or support for traders’ – previously no right to a day off and bereavement leave has been added in the new licence – accusation of lack of compassion being only one day, but its still an improvement on previously. Have clarified payment by calendar month – they can trade for 52 but pay for 48 weeks. • Late arrival or illness – have added a discretionary element which gives flexibility on occasional late arrivals. • ‘No consideration for safety’ – the barriers are in position, we have heard of people climbing over the barriers. • ‘Unacceptable, poorly written and expect major changes as a result of consultation’ – we are looking at and considering every comment, but it is a standard licence. 	

- 'Biased towards the Council, not long enough consultation period' – it has been on FB, the website, sent to known traders and was advised at the Traders Meeting – no specific issues raised so cannot respond further.
- 'Too much information requested on the form' – we do need all the information on the form to protect the Council.
- 'Disgrace and what is a Covid ranger' – not specific to licence
- 'Traders are working under a dictatorship' – it's a standard licence on which we are giving them the chance to comment when we don't need to.
- 'Unfair to traders and to people of Downham' – not specific enough to address.
- 'Not be signing its disgraceful £5million PLI, 5 star food hygiene' – have changed it to 3 star and we could have requested £10million PLI but kept it at £5m which is actually less than the current licence.
- 'Business details – why so many questions?' Main query was over NI numbers – all have agreed its important to gather this information.
- 'Social media handles not necessary, website/email is sufficient' – no harm in having this information so see/evaluate what they are selling and can be used in any promotions. Standard practice.
- 'Electric should read electricity – yes agreed.
- 'Tariff – no mention of permanent traders' – it's a licence not a lease. Pitch location and tariff – may change 'time to time' was questioned.
- 'Risk assessment' format based on HSE version can be included in trader pack.
- Food hygiene – if rating drops to a 2 a trader will not be allowed on the market until it comes back to a 3 or higher. Will required these to be displayed.
- 'Refunds only as mentioned in the tariff' was questioned – tariff is published so not sure why this was raised.
- 'Useful information – find better phrase' – couldn't think of a better one at the moment.
- 'Relocating pitches' – this will be a last resort but need to have some flexibility in case of emergency or urgent operational reasons. We will take out the word 'normally' to say in other circumstances we will consult about changes. Will change 'reallocate' to 'relocate' typos. Existing licence allows for relocation too.
- 'The word behaviour not acceptable' – couldn't find a better word
- Assistance animals rather than assistant. Corrected.
- DMTC conduct document will be issued.
- 'The licence period is too long' another response said 'the licence is not long enough'. Termination on both sides is 28 days.
- 'Barriers kill the market' – trying to keep people Covid-safe. Easy to say footfall is down but it is a strange time and no proper information is available to define by how much.
- 'All seems good to me' – nice to have a positive comment.
- 'Pitch size of 4.2m makes me go to 6m' – have changed licence to say they can have a pitch and a half to assist with this.
- 'Children on stalls' – single parent issue – have changed it to say permission can be granted by application. Particular conditions in case of food stalls.
- 'Cleaning the pitches prior to arrival' – we ensure it is swept, haven't heard there is an issue
- 'Two weeks holiday missing' – only being charged for 48 weeks so this is covered.
- 'Half price offer in Jan/Feb/March not mentioned' – 4 weeks free, half price concession is not in the current licence, only local practice and has not been included in the new licence.
- 'I can't make sense of the tariff' – it is quite straightforward but can let people know what the charge will be on application. There will be an electricity charge of £3 a week with no addition if used for cooking (unlike some other markets)
- 'Who is responsible for locking the electrical points?' – that hasn't changed, we are and will continue as such.

- 'Can I arrive and start serving by 5.30am' – current licence says trading starts at 8am and stalls can arrive an hour beforehand, In the new licence there is no stipulation about arrival time as long as set up is by 8am.
- 'Boxing Day' – this has been clarified.
- 'What if traders need to pack up early eg inclement weather' – Market officer makes the call to close early. If one stallholder felt uncomfortable, we would look at the reason, consult with others and shut all stalls if appropriate on H&S grounds.
- 'All traders should be subject to the same rules' – agreed.
- 'Procedure if there is a car parked on the market' – we are not allowed to remove it at the moment and as recently happened a suitable alternative pitch would be offered. If no alternative pitch is available, a refund would be made.
- 'Unworkable, historic market allows one trader' – if we could see the original charter we could check but unlikely this is included.

The Clerk relayed other comments from the public not relevant to the licence, which covered social media, barriers, the local nature of the stallholders, and sourcing local produce where possible, environmental issues, smoking on site, the public right of way across the Clock Square.

Cllr raised queries:

- Battery farmed products, peat and sustainable wood – how will you know where the products come from? – eggs and wood often stamped at source we have the option to ask but we can't enforce.
- Children – new licence doesn't say children are not permitted – permission can be given by the market manager, who will explain the rules about what children are allowed to do.
- Death in the family p13 – could it be reworded without the definition of close family member? – agreed.
- Paying for ad hoc stalls – now clarified that they have to pay by 5pm on the day of trading.
- There were several suggested amendments to wording and punctuation which were all considered and included where felt appropriate, and where they did not affect the legal meaning.
- One query about the need for social media/website links (already covered) and questioning the need for vehicle registration (cars are used for loading and unloading on the market)
- 'Who is the Proper Officer?' - it is the Town Clerk
- Agreed to change 72 hours to 3 working days
- Photo of stall requirement challenged – needed to ensure the standard of the stall.
- Confirming the right to work in the UK – why and how? – their signature provides proof that we have asked the question.
- Waste disposal licence was questioned – the TC would be liable for any incidents of fly-tipping.
- Data protection clause extending to the EU – this is just to cover us should information be shared by third parties outside the UK
- Appeal system not specified – we have looked at that.
- Presence of a Market Officer – will take out 'subject to sickness etc' – there will always be someone there.
- Gender neutral wording should be used – agreed
- Balance of trade heading separated from Environment Policy – agreed
- How does a representative of the Council identify themselves – all have lanyards which should be worn outside

	<ul style="list-style-type: none"> • Only goods should be sold if listed in their application – too restrictive. Traders should describe the majority of their stock. • Trailers added in • The requirement for proof of PAT testing is too heavy handed – could be a danger to the public. • Will the Market Manager be on call? Yes. • Replaced 'rent/fee' with 'licence fee' • Will tighten up on checking traders' insurances <p>Members discussed recent correspondence with Liz Truss, and suspicions about email hacking.</p>	
4	<p><u>To agree on revised Market Licence and Regulations</u></p> <p>Members confirmed they were now happy with the new licence as amended.</p>	
5	<p><u>To discuss the barriers at the market</u></p> <p>Deferred to next meeting.</p>	
6	<p><u>To agree any future actions</u></p> <p>To be agreed following the upcoming Extraordinary Full Council meeting.</p>	
7	<p>Date of next meeting:</p>	
	<p>SIGNED</p>	<p>DATE</p>