

Notice of KEY Executive Decision (Special Urgency)

Subject Heading:	Temporary Closure of Romford Market
Cabinet Member:	Councillor Damian White – Leader of the Council
SLT Lead:	Jane West – Chief Operating Officer
Report Author and contact details:	Mark Butler mark.butler@onesource.co.uk 01708 431947
Policy context:	This decision is made in the context of urgent public protection measures necessitated by the COVID 19 outbreak
Financial summary:	The ceasing of market trading will result in a loss of licence income for the Council, the precise impact of which is difficult to calculate given the unknown period of temporary closure at this time.
Reason decision is Key	Grounds for decision being Key: (c) Significant effect on two or more Wards
Date notice given of intended decision:	25 th March 2020
Relevant OSC:	Towns and Communities OSC
Is it an urgent decision?	Yes
Is this decision exempt from being called-in?	<i>Yes, due to Special Urgency</i>

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This decision seeks the temporary closure of Romford Market with effect from 25th March 2020 as part of broader measures to control the outbreak of COVID 19. Due to current circumstances it is not possible to confirm the period of closure and this will be kept under review by the Council.

It is also recommended that the Leader write to the Chancellor asking him to clarify urgently the position on financial assistance to market traders.

AUTHORITY UNDER WHICH DECISION IS MADE

Powers delegated within the Council's Constitution to the Director of Public Health: Para 3.6.2 (a) – to take responsibility for all the Council's public health functions and 3.6.2 (i) – the planning for and responding to emergencies involving a risk to public health

STATEMENT OF THE REASONS FOR THE DECISION

This decision is required under "Special Urgency" to allow the Council to plan and undertake effective strategies for working and service delivery during the current Covid 19 outbreak.

The recent worldwide outbreak of COVID19 has resulted in an increasing number of confirmed cases and related deaths in the UK, prompting the government to implement a series of unprecedented measures in an effort to reduce risk to the UK population and pressures on the NHS.

Havering Council recognises that Romford Market provides an important public amenity and retail provision to local residents and have sought to keep the market operating for so long as is possible, particularly while other retailers have continued to trade. As a result the market has continued to trade up to and including 21st March 2020 albeit with reducing traders and customers as the COVID 19 measures on self-isolation and government restrictions make an impact.

Since the last trading day the government announced 'lockdown' measures on 23rd March placing much tighter restriction on public movement and retail restrictions, as a result of which the majority of retailers have since been required to close.

Whilst food retailers are able to continue trading following these latest lockdown measures, the proportion of food stalls within the market is relatively small and most market traders would not qualify as selling essential commodities. The recent measures have focussed upon the urgent need for social distancing and whilst

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conventional shops can manage this to some extent by limiting access to a specific the number of customers at any time, this is more difficult to manage in a safe manner in the open public environment of the market.

Consequently, in evaluating the priorities on public health at this time, it is recommended to take the reluctant decision to temporarily close Romford Market, mirroring the actions of many other market authorities in respect of nearby markets (North Weald, Pitsea etc). This action will be kept under review in order to minimise the period of closure such that market trading can be reinstated as soon as public health and government advice indicates that it is in the public interest to do so.

It is recognised the temporary closure of the Market will have an economic impact on the market traders and at the current time the government has yet to announce guidance on how it might extend the financial support measures available to businesses and employees to offer similar means of support to sole traders and the self-employed.

OTHER OPTIONS CONSIDERED AND REJECTED

Continuation of trading for food related commodities only:

These now represent only a small proportion of the overall market and the social distancing considerations would still apply. As a result this option has been rejected.

PRE-DECISION CONSULTATION

None.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Mark Butler

Designation: Director of Asset Management

Signature:

Date: 25th March 2020

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The most extensive piece of legislation covering emergency powers is part two of the Civil Contingencies Act 2004 (CCA), which replaced the Emergency Powers Act 1920. This is designed to provide powers to the government to act in the event of a catastrophic emergency.

The Civil Contingencies Act 2004, ('the Act'), is the legal framework that sets out roles and responsibilities of emergency responders in England and Wales. All principal local authorities are category 1 responders under the Act. As such, they are, alongside the emergency services, some health bodies and the Environment Agency, subject to the full set of civil protection duties in the Act.

Under the Act, an emergency is defined as an event or situation which threatens serious damage to human welfare in a place in the United Kingdom, the environment of a place in the UK, or war or terrorism which threatens serious damage to the security of the UK

As a category 1 responder, the Council must perform its duties under the Act where the emergency is likely to seriously obstruct its ability to perform its functions, or where it considers it necessary or desirable to act to prevent, reduce, control, or mitigate the emergency's effects, or otherwise take action, and would be unable to act without changing the deployment of its resources or acquiring additional resources.

The Public Health (Control of Disease) Act 1984 already allows the appropriate minister to make provisions to prevent or control the spread of infection.

These provisions include requiring children to be kept away from school and prohibiting or restricting events or gatherings. The minister may also make regulations to detain vessels or aircraft or persons on board them.

The Health and Social Care Act 2008 made amendments to the Public Health (Control of Diseases) Act 1984 to expand the powers of the secretary of state for health, local authorities and magistrates to order compulsory health measures. These include medical examinations, detention and quarantine of individuals.

As a country, we all need to do what we can to reduce the spread of the COVID-19 virus.

That is why the Central Government has given clear guidance on self-isolation, household isolation and social distancing.

And the most recent scientific advice on how to further limit the spread of COVID-19 is clear. If non critical workers can stay safely at home (they should), to limit the chance of the virus spreading.

That is why the Central Government has asked citizens to stay or work from home,

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wherever possible.

The fewer people making the journey to the town center, the lower the risk that the virus can spread and infect vulnerable individuals in wider society.

Central Government guidance has stated that unless a citizen's work is critical to the COVID-19 response, or their work in one of the critical sectors listed below, you should stay at home:

Health and social care

This includes but is not limited to doctors, nurses, midwives, paramedics, social workers, care workers, and other frontline health and social care staff including volunteers; the support and specialist staff required to maintain the UK's health and social care sector; those working as part of the health and social care supply chain, including producers and distributors of medicines and medical and personal protective equipment.

Education and childcare

This includes childcare, support and teaching staff, social workers and those specialist education professionals who must remain active during the COVID-19 response to deliver this approach.

Key public services

This includes those essential to the running of the justice system, religious staff, charities and workers delivering key frontline services, those responsible for the management of the deceased, and journalists and broadcasters who are providing public service broadcasting.

Local and national government

This only includes those administrative occupations essential to the effective delivery of the COVID-19 response, or delivering essential public services, such as the payment of benefits, including in government agencies and arms-length bodies.

Food and other necessary goods

This includes those involved in food production, processing, distribution, sale and delivery, as well as those essential to the provision of other key goods (for example hygienic and veterinary medicines).

Public safety and national security

This includes police and support staff, Ministry of Defence civilians, contractor and armed forces personnel (those critical to the delivery of key defence and national security outputs and essential to the response to the COVID-19 pandemic), fire and rescue service employees (including support staff), National Crime Agency staff, those maintaining border security, prison and probation staff and other national security

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roles, including those overseas.

Transport

This includes those who will keep the air, water, road and rail passenger and freight transport modes operating during the COVID-19 response, including those working on transport systems through which supply chains pass.

Utilities, communication and financial services

This includes staff needed for essential financial services provision (including but not limited to workers in banks, building societies and financial market infrastructure), the oil, gas, electricity and water sectors (including sewerage), information technology and data infrastructure sector and primary industry supplies to continue during the COVID-19 response, as well as key staff working in the civil nuclear, chemicals, telecommunications (including but not limited to network operations, field engineering, call Centre staff, IT and data infrastructure, 999 and 111 critical services), postal services and delivery, payments providers and waste disposal sectors.

The Romford Market operates on Wednesdays, Fridays and Saturdays under a combination of a Royal Charter and the Food Act 1984.

As a market authority, Havering Council exercises control over the operation of the market and has the ability to temporarily cease market trading where it is in the public interest to do so.

The outbreak of COVID 19 has resulted in a series of measures being implemented in the interests of public safety to limit the spread of coronavirus and provide resilience to the NHS.

By temporarily closing down the Romford Market the Council and its residents will be playing an essential part of our national effort to combat this disease.

FINANCIAL IMPLICATIONS AND RISKS

As at the 25th of March 2020 gross income for Romford Market is £347k. The total income generated in 18/19 was £388k (£397k in 17/18). The ceasing of market trading will result in a loss of licence income for the Council, the precise impact of which is difficult to calculate given the unknown period of temporary closure at this time.

As an indication of income foregone due to the latest government advice and subsequent market closure, the market income figures for the last two years is provided below.

Month	19/20 gross income £'k	18/19 gross income £'k
April	28.5	32
May	28.8	30.5
June	28	31
July	33	30
August	24	30

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These figures should not be taken as a representation of the amount of income that will be lost from closing the market as the latest government 'lock down' advice issued on 23rd March would result in no/fewer traders operating out of the market, even if it were to remain open, they are provided to give background/context to the financial impact of covid-19, government advice and subsequent Council decisions off the back of that advice.

It should be noted that continuing to operate the market would be likely to play a part in failing to contain the spread of covid-19 in the borough likely leading to an increase in costs within health and social care.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Given the Coronavirus outbreak, the paramount consideration of the Council is the health and wellbeing of Members and officers.

The Market operation is supported by a small management team who will be considered for temporary redeployment to other priorities presented by the COVID19 outbreak.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Romford Market offers a retail provision and public amenity to a variety of local residents such that the Council has sought to sustain its operation throughout the early period of COVID19 measures.

However the extension of retail closures and recently announced 'lockdown' measures by the government have served to minimise both trader and customer attendance to the Market such that the impact of temporary closure is assessed to have a nominal impact upon residents when weighed against public health risks.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the

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Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a proposed or planned activity is likely to affect staff, service users, or other residents. It is acknowledged that due to the urgency of the threat posed by the coronavirus, it will not be possible to carry out an EqHIA in advance of the Romford market closure set out in this report, however, site managers will undertake the required EqHIAs at the earliest opportunity. Where managers are already clear that particular groups/users will be impacted negatively by the closures, this will be noted in the next paragraph and/or put into draft EqHIAs. Where the impact of the closure can be mitigated, this too should be set out.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

Romford Market offers a retail provision and public amenity to a variety of local residents such that the Council has sought to sustain its operation throughout the early period of COVID19 measures.

However the extension of retail closures and recently announced 'lockdown' measures by the government have served to minimise both trader and customer attendance to the Market such that the impact of temporary closure is assessed to have a nominal impact upon residents when weighed against public health risks.

BACKGROUND PAPERS

None.

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____