

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Romford Market – Recovery Plan
<b>Cabinet Member:</b>	Councillor Damian White Leader of the Council
<b>SLT Lead:</b>	Jane West Chief Operating Officer
<b>Report Author and contact details:</b>	Mark Butler Director of Asset Management <a href="mailto:mark.butler@onesource.co.uk">mark.butler@onesource.co.uk</a> 01708 432947
<b>Policy context:</b>	This decision supports the 'Opportunities' objective within the Corporate Plan to support existing and new businesses and the 'Places' objective to strengthen the attractiveness of our town centres
<b>Financial summary:</b>	The short term proposals within this paper pose no capital requirements and subject to demand for Sunday trading, should result in a net revenue increase for the Council.
<b>Relevant OSC:</b>	Towns and Communities
<b>Is this decision exempt from being called-in?</b>	Yes - It is a non-key decision

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

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

### **Part A – Report seeking decision**

#### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

1. To agree to the extension of current trading days on Romford Market to include Sundays, for a two-month trial period, with effect from 19<sup>th</sup> July 2020
2. To endorse the proposal, following stakeholder consultation, to develop options for future revisions to Romford Market, to be the subject of a detailed report Cabinet as soon as possible following completion of the trial period.

#### **AUTHORITY UNDER WHICH DECISION IS MADE**

Powers delegated within the Council's Constitution, Part 3 Responsibilities for Functions, to the Director of Asset Management: Para 3.9.3 (x) – To exercise all powers relating to Romford Market including the granting and revoking of licences and enforcing relevant byelaws.

#### **STATEMENT OF THE REASONS FOR THE DECISION**

##### **Background**

Romford Market has existed since the granting of the Royal Charter in 1247 and is a fundamental feature of the town's retail and social heritage. For many years the Market has traded three days a week, Wednesday under the provisions of the Charter, Friday and Saturday under the Food Act 1984.

Whilst multiple retailers are seemingly ubiquitous within many town centres, markets support the independent retail sector, offering diversity to customers and opportunities for SMEs and start-up businesses – indeed successful markets can act as the USP for town centres creating an identity and attraction in their own right.

The nature of retailing is constantly changing but the rate of change in recent years has accelerated with many retailers moving to on-line formats with the consequent reduction in demand for retail space. Romford Market has faced its own challenges with the traditional 'market staples' of low cost food and fashion being threatened by

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discount stores such as Aldi and Primark, to name but two.

It is evident that Romford Market has been in steady decline over a number of years, reducing from around 300 stalls in the 1970's to around 60 licenced stallholders currently, supplemented by a smaller number of casual traders. This number can diminish further during the winter months after Christmas and various initiatives have to date failed to stem this gradual decline.

The Covid outbreak has resulted in Romford Market being closed for a two month period prior to a phased reopening from 3<sup>rd</sup> June.

### **Recovery and Opportunity**

As Romford Market starts its recovery from the Covid lockdown, there is an opportunity to consider what measures can be implemented in both the short and medium term to revitalise the market and broaden its appeal to both residents and visitors.

#### *Short-term*

Recent discussion with a number of existing traders has highlighted an appetite for increasing the number of trading days. A number of Romford stallholders already trade at other markets when Romford Market is closed, but given the existing trading pattern within Romford the obvious extension days to consider would be Thursday and/or Sunday. Both days follow existing trading days so would allow the opportunity for stalls to remain insitu where the same trader is working consecutive days.

Dagenham Sunday Market has recently announced that it will not be re-opening as the social distancing requirements within a compact site will render the operation unviable. The permanent closure at Dagenham displaces up to 600 Sunday market traders, a small proportion of whom already work Romford Market on other days. Consequently there is a significant opportunity to attract new traders to Romford Market, particularly if trading were extended to Sundays, but also on existing trading days if those traders are new to Romford Market. Current Romford Market traders are likely to request that preference is given to them for Sunday pitches, prior to the opportunity being opened up to new traders.

A further aspect when considering options for additional trading days is the opportunity cost presented by the loss of parking income. Sunday parking is currently free and consequently if the Market trading days were extended to include Sunday, this would have no impact upon parking revenue. In contrast a Thursday trading would suggest an annual loss of £111k p.a. in parking revenue (based upon 2019/20 revenue).

Revenue aside, Sunday trading on Romford Market would represent a loss in parking capacity for other town centre retailers. Evidence suggests that there is sufficient capacity within other town centre car parks on a Sunday to absorb this reduction, failing which, if the need arose, consideration could be given to opening Angel Way multi-storey car park for Sunday parking.

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The addition of two extra trading days (Thursday and Sunday) could be considered, enabling the stalls to potentially remain insitu for 5 consecutive days. However, the counter argument is that there comes a point where the increased number of trading days does not proportionately increase the level of trade, but instead dissipates the existing level of trade over a greater period, thereby potentially reducing daily turnover. From a market trader's perspective, this scenario potentially risks increased costs for trading over an extended period for the same or similar revenue. The foregoing assumes that the Market trades on the same basis every day, but is less likely to apply if say an alternative type of Market was introduced on a specific day (e.g. Greenwich Market trades as an Arts and Crafts market on certain days and an Antiques and Collectibles market on others).

In the current circumstances, it is proposed to extend the Romford Market trading days to include Sundays for a two-month trial period and to monitor the subsequent impact.

The additional trading day will require some legal/regulatory process in the form of amendments to the existing Parking Order(s) currently in place for the Market Place.

If the full Market Place capacity is utilised the Sunday Market would have a maximum capacity of 180 pitches taking social distancing requirements into account – many traders have double pitches, such that the current 60 traders utilise 122 pitches. This would reduce to around 85 pitches if half of the Market Place (closest to Tollgate House) is retained for parking.

It is proposed that priority for Sunday pitches should be offered to the existing licensed traders already present at Romford Market, with vacant pitches thereafter offered to new traders. Communications have already commenced with existing traders to ascertain the level of interest whilst enquiries are being managed from new traders. Some time will be required to review and apply selection criteria against new applications such that pitches can be allocated and a plan for the Sunday Market finalised.

There are also a series of operational and resourcing requirements to put in place in advance (cleansing, waste management, trader parking arrangements, marshalling, toilets) etc, as a result of which it is proposed to commence Sunday trading with effect from 26<sup>th</sup> July 2020 to allow sufficient lead-in time.

### *Medium Term*

Whereas in times past the market has occupied the entire extent Market Place, the current number of stalls and configuration present a rather dispersed pattern of trading throughout the Market, presenting a distinct lack of critical mass in the poorer trading months spanning January to March. As with all retail environments, there is a need for Romford Market to adapt to changing demands and customer expectations.

During the immediate recovery phase post-Covid, social distancing requirements may limit scope to condense the Market. Nonetheless, the emerging Romford Masterplan promotes the proposal to rationalise Romford Market into approximately one half of

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the current Market Place, effectively to the west of Market Link, extending in front of St Edwards Church, leaving the remaining half as public realm space, potentially for events, parking or as an open space within the town centre.

The opportunity exists to comprehensively re-think the Market trading area, infrastructure and operating arrangements to provide a more attractive environment for traders and customer alike, with the aim of expanding and diversifying the trader and customer base to support the recovery and long term sustainability of Romford Market.

The scope of future considerations is potentially extensive and the following are perhaps more obvious aspects to consider, but do not represent an exhaustive list:

- Reconfiguration of the existing stall layout to provide a more rationalised focus of Market trading activity
- Whether there is any merit in extending the market area into the adjacent area of South Street?
- Should the Market be more permanent in nature, or a hybrid of permanent stall structures supplemented by temporary or pop-up stalls? A permanent market implies the potential for 6/7 day trading.
- Opportunities to provide greater identity for Romford Market, whether in terms of the setting, stall appearance or other measures.
- Potential attraction of varying the market on particular days to provide specialist markets to broaden its appeal.
- Scope to provide some element of weather protection to render the Market a more attractive environment during winter months
- Should food stalls be clustered into an informal food court with improved tables/seating and services or dispersed throughout the market?
- Impact upon market operations (loading, cleansing) services (power, drainage) and the adjacent public realm resulting from any/all of the above.
- Communications, marketing, sponsorship(?) and future events programme

Various initiatives have been considered previously, some have been implemented in part, others abandoned. Public realm works can involve considerable investment and in a time of likely financial constraints posed by the Covid outbreak there is a need to carefully scrutinise all investment proposals to understand their cost/benefit relationship from both a capital and revenue perspective.

Proposals will need to be sympathetic to the conservation area setting of the Market Place and consultation should be undertaken with a range of stakeholders in order to ensure engagement and input from varied perspectives.

Earlier this year the Director of Asset Management engaged Hawkins Brown (architects) and an advisor from the Mayor's London Market Board to initiate some preliminary research and consultation with the aim of developing early options that would assist in achieving greater consensus on a set of proposals for broader consultation. This work was unfortunately interrupted by the Covid outbreak but it is proposed to progress this activity, supported by a reference panel of Council officers and frequent engagement with Members and traders at key points. It is suggested that the reference panel should comprise representatives from the following services:

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- Asset Management (including the Markets team)
- Regeneration
- Public Realm/Environment (including Planning)
- Communications
- Finance

Other resources may be required to support the reference panel as and when required.

A detailed programme for this activity would be agreed by the reference panel.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Do Nothing – the incremental contraction and decline of Romford Market over recent years suggest that a failure to make urgent interventions risks the permanent dissolution of the historic Market at some point in the near future. The need to sustain and support the Market's recovery and its context within the health of the broader town centre precludes a 'Do Nothing' option.

Alternative pattern of trading days – the reasons for considering Sunday and/or Thursday trading in preference to other days are set out within the paper. Consideration has been given to trading days on other markets and the operational benefits of leaving stalls insitu after existing trading days within Romford Market.


### **PRE-DECISION CONSULTATION**

Informal consultation only at this point

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

Name: Mark Butler

Designation: Director of Asset Management

Signature: 

Date: 29<sup>th</sup> June 2020

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

Under s52 of the Food Act 1984 LBH is empowered to appoint the days on which, and the hours during which, markets are to be held.

Under s 60 of the Food Act 1984 LBH may make byelaws for regulating the use of the market place.

Although the Food Act 1984 does not specifically provide for public consultation it would be advisable to conduct one in order to consult with the people or groups who are likely to be affected by the decision to hold the market on additional days. Failure to do so may result in the decision being judicially reviewed.

The provisions under the Equality Act 2010 will need to be taken into account, including s20 of the Act which places a general duty on public bodies to make reasonable adjustments to prevent discrimination against disabled people.

The current Havering (Off-Street Parking Places) Order 2017 will need to be varied under the Road Traffic Regulations Act 1984 to allow for an increase in the number of market days. Regulations 6 – 18 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) set out the process for this. This includes consultation, publication of a "Notice of Proposal" in the London Gazette at least 21 days before the making of the Order, the publication of a "Notice of Making" after the Order has been made, the placing of traffic signs in the market area and the removal of any traffic signs made under the 2017 Order which may cause confusion.

### FINANCIAL IMPLICATIONS AND RISKS

#### *Short term:*

The short term proposals to extend Market trading to Sundays pose no known capital investment requirements.

Operational costs will inevitably increase as a result of the requirement to extend staffing of market operations including site management, cleansing, waste removal etc. It is difficult to project the likely increase in market fee income until the level of demand is established, but it is anticipated that this should offset the additional staffing costs, producing a positive net revenue position. This will be closely monitored and if it transpires that it were not the case that the income received was covering the operating costs the decision to trade on a Sunday would be reviewed.

Any net income received as a result of opening on a Sunday would contribute towards mitigating the existing longstanding shortfall of income against income target of circa £350k which exists in this area rather than being available to offer up as new/additional savings.

Sunday trading of the Market should not have an adverse impact on parking revenue as Sunday parking within the Market Place is currently free of charge.

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### *Long term:*

The engagement of Hawkins Brown to conduct preliminary work on future options has already been funded within Asset Management.

Any future proposals would be the subject of a further detailed report to Cabinet with a full cost appraisal.

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

The proposed additional trading day will require additional resource and revisions to existing staffing arrangements in order to provide adequate cover for site management and supporting public realm activities.

This may necessitate contractual changes for existing staff and/or the engagement of temporary/permanent resource to provide the level of cover required. Any contractual or other changes that impact on the Councils workforce will be subject to the necessary consultation with staff and Trade Unions in accordance with the Councils Organisational Change policy.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND 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 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



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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.

Romford Market offers a retail provision and public amenity to a variety of local residents and the extended opening of the Market will assist in sustaining the diversity of the current retail provision.

**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: Councillor Damian white

Cabinet Portfolio held: Leader of the Council

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 Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_