



Notice of Non-key Executive Decision

Subject Heading:	Romford Market – reinstatement of non-essential trading and permanent inclusion of Sunday trading
Cabinet Member:	Councillor Damian White Leader of the Council
SLT Lead:	Jane West Chief Operating Officer
Report Author and contact details:	Mark Butler Director of Asset Management Mark.Butler@oneSource.co.uk 01708 432947
Policy context:	This decision supports the ‘Opportunities’ objective within the Corporate Plan to support existing and new businesses, the ‘Places’ objective to strengthen the attractiveness of our town centres and the Council’s support for post-Covid recovery of local high streets
Financial summary:	The proposals within this paper require no capital investment and will serve to reinstate the market income stream for the Council.
Relevant OSC:	Towns and Communities
Is this decision exempt from being called-in?	Yes, it is a non-key decision

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

To agree the resumption of full trading at Romford Market with effect from Wednesday 14th April 2021 in accordance with phased relaxation of lockdown restrictions and the return of non-essential retail, subject to the continuance of covid-secure measures being in place.

To agree the permanent adoption of Sunday trading on Romford Market, operating 9.00am – 4.00pm.

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

1. 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 traded three days a week, Wednesday under the provisions of the Charter, Friday and Saturday under the Food Act 1984.

Following a two-month closure as a result of Covid 'Lockdown 1' measures, Romford Market re-opened on 3rd June 2020. Consideration was given shortly thereafter to introducing a further trading day to support the Market's recovery and following due consideration of options, it was agreed to initiate a two-month pilot of Sunday trading (Executive Decision 09/07/20 refers). The first day of Sunday trading on Romford Market took place on 19th July 2020.

The review of the Sunday market pilot took place in late September 2020 and it was agreed that the Sunday operation should continue, pending a further review in March 2021. This decision was based upon a successful revitalisation of both Romford Market and the broader town centre throughout the pilot period, evidenced by Sunday footfall figures exceeding the equivalent 2019 level on every Sunday since the market opened (peaking at 166% in early August).

On 19th December 2020 the government announced further restrictions in the form of Lockdown 2, as a result of which only stalls selling food and essential goods have continued to trade (totalling 11 stalls).

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2. Proposals

Return of stalls selling non-essential goods

The government's roadmap to easing lockdown restrictions allows the resumption of non-essential retail trading from 12th April 2021, subject to the continuance of Covid-measures being in place.

It is accordingly proposed to reinstate the 'full' market with effect from the first market day after this date, i.e. Wednesday 14th April, with measures to maintain social distancing and infection control, such as were in place prior to the most recent lockdown.

Sunday trading

Given the positive recovery benefits delivered from the introduction of Sunday trading on Romford Market since July 2020 (as detailed in the earlier Executive Decision) it is proposed to continue with the additional trading day with the aim of reversing the decline in trading numbers in previous years and sustaining a longer term recovery.

A small number of noise complaints had been received previously, attributed to two specific stalls on the Sunday market - the situation will continue to be monitored by Market management, supported by Public Protection colleagues and appropriate measures will be taken should any noise issues resurrect.

Reconfiguration of the Market

In the short term, the continuing requirement for social distancing and increased number of traders when the market is fully operational precludes scope to reconfigure the market as envisaged in the Romford Masterplan. It is however proposed to re-engage with stakeholders on options to revise the layout and infrastructure serving the market.

OTHER OPTIONS CONSIDERED AND REJECTED

Do Nothing – the relaxation of Covid restrictions to allow the recommencement of non-essential retail nature means there is no realistic 'do nothing' option as there will be an expectation amongst traders and the public for the full market to return. The operation of the market also serves to restore vitality to the broader town centre

Do not continue with Sunday trading on the Market – the evidence presented in September 2020 after the pilot period demonstrated that the introduction of Sunday trading had been extremely successful in increasing footfall both within the Market Place and town centre in general. The Council's efforts to support the economic recovery of high streets and small businesses would be impaired if Sunday trading were suspended.

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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: April 2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. Romford Market has traded 4 days a week since July 2020 - Wednesdays under the Royal Charter of the Liberty of Havering and on Fridays, Saturdays and Sundays under the Food Act 1984. The Market also trades in the fortnight running up to Christmas day.
2. Paragraph 4 of the current Market Management Rules and Regulations dated September 2014 states the following:

“These Regulations may be amended or supplemented in such manner and to such extent that the Landlord in its absolute discretion from time to time determine”
3. Paragraph 2.1 of the Regulation also states that:

“Trading days are: Wednesday, Friday and Saturday of each week and such extra days as the Landlords may direct.”

Food Act 1984

4. Local Authorities derive their statutory powers to establish and conduct markets under the Food Act 1984. Romford Market is currently trading on Fridays, Saturdays and Sundays under this Act.
5. Section 50 of the Act empowers Local authorities to establish and acquire markets. In addition, section 52 of the Food Act empowers a Local Authority to run the markets it controls on the days and at the times that it wants.
6. LBH, as a Greater London Borough Council and a “market authority” under the Act is empowered to increase the number of days on which Romford Market will trade.
7. Section 60 of the Food Act also empowers a Local Authority to make its own byelaws to regulate the use of the market place.

Parking Orders

8. Traffic Regulation Orders can be made by Local Authorities outside Greater London under s1 of the Road Traffic Regulations Act 1984 (“the 1984 Act”). Section 6 of the 1984 Act allows similar orders to be made by Local Authorities in Greater London, such as LBH.

“Places in streets where vehicles, or vehicles of any class, may, or may not, wait, either generally or at particular times.”

Paragraph 27 to Schedule 9 of the 1984 Act states that the power to make an order regarding a road or parking place includes the power to make an order varying or revoking any previous order in respect of that road or parking place. The “Havering (Off-Street Parking Places) Order has already been amended to remove parking within the Market Place on Sundays.

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FINANCIAL IMPLICATIONS AND RISKS

Romford Market has an income target of £652k for 2021/22 and generated income of £342k in 2020/21, demonstrating a significant shortfall. The Market had failed to reach its income target in successive years prior to 2020/21 and the impact of Covid lockdowns within 2020/21 has inevitably compounded this further.

Extending the trading days to include Sunday has generated a net additional income exceeding £2k per week outside of lockdown periods - this income level will be variable and is likely to fluctuate as trading levels tend to be seasonal, whereas operating costs are likely to be fixed. The annual net income derived from Sunday trading during normal trading circumstances is estimated to be c. £95,000p.a., excluding any expenditure allocated to promotional activity/events.

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

Permanent adoption of the 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.

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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.

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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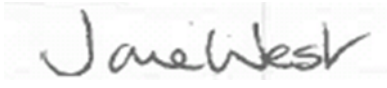
Part C – Record of decision

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

Details of decision maker

Signed 

Name: Jane West

Cabinet Portfolio held:

SLT Member title: Chief Operating Officer

Head of Service title

Other manager title:

Date: 12/04/2021

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 _____