1 Purpose of report

This report aims to update Members on the activities of the Market Working Group since it was reinstated by this Committee in July 2012.

The activities of the Market Working Group aim to address the following council objectives:

- Promoting high quality growth by ensuring that the market is very much part of the town centre regeneration.
- Improving life chances of young people by encouraging young entrepreneurs to try a stall on the market as their first step into retail.
- Delivering efficient and responsive services in respect of the market and street trading.
- Enhancing the market environment to attract new traders and visitors to the area.

2 Executive summary

The market is an integral part of our town centre and one which should be protected and enhanced. The Market Working Group has been looking at ways to improve the operational, management and marketing activities of Wellingborough Market.

3 Appendices

Appendix One – Market Working Group Terms of Reference
Appendix Two - NABMA Health Check Report
Appendix Three – Wellingborough Shoppers Charter

4 Proposed action:

4.1 The Committee is invited to RESOLVE that the Market Working Groups recommendations are approved and implemented accordingly.

4.2 The Committee is invited to RESOLVE that delegated powers be granted to the Head of Planning and Local Development in consultation with the Chairman and Vice Chairman to approve amendments to the Off Street Parking Order in relation to parking for All-Hallows Church as discussed in the Market Working Group and referred to in the report.
5 Background

5.1 In July 2012, this Committee approved the reinstatement of the Market Working Group in order to conduct a review of the current market and street trading arrangements and consider proposals for improvement.

5.2 The terms of reference for this group, which were approved by this Committee in July 2012, can be seen in Appendix One.

5.3 The review of the market has highlighted a number of areas which require improvement and has demonstrated that the project is much larger than previously anticipated.

5.4 One of the first things that the Market Working Group approved was the Council’s membership of NABMA (National Association of British Market Authorities). They are the country’s leading markets organisation which offers its members invaluable advice on how to run a successful and flourishing market.

5.5 As part of the membership, the Market Working Group signed up to the free ‘health check’ that is offered to all its members. A representative of NABMA visited Wellingborough Market on the 30 November 2012 to speak to council officers and members of Wellingborough Norse (including the Town Centre Charge Hand).

5.6 The Health Check provides an external viewpoint of Wellingborough Market and recommendations on what should be looked at in order to make improvements. The report can be seen at appendix two.

5.7 This report and information gathered from the NABMA annual conference in January and other training sessions hosted by NABMA has helped to inform the issues being considered in order to make improvements to the operational, management and marketing activities of Wellingborough Market.

5.8 Officers have been working with members of Wellingborough Norse and the Market Working Group on the following improvements:

5.8.1 Finance - We are working with the finance team on ways to improve the invoicing and payment speed so that the process becomes more efficient.

5.8.2 Spreading – A number of traders have been ‘spreading’ their goods onto the highway and creating additional space to their stalls with the use of tables/stands at the edge of their market stalls. Any trader guilty of this has been spoken to and received a letter explaining that this is against the market regulations and should be stopped. Any additional space that is required for stock must be taken by the hire and payment of the appropriate number of stalls.

5.8.3 Public Liability Insurance – A check has been carried out by the Town Centre Charge Hand to ensure that all traders on the market have Public Liability
Insurance. Failure to do so is a breach of the Market Regulations. Those who could not produce documentation were informed that they would not be allowed to trade until the appropriate documentation was produced.

5.8.4 Parking problems – There have been a number of complaints with regard to the abuse of the disabled parking bays located at the top of the market. The Council has therefore instructed that an amendment to the current ‘Off Street Parking Order’ is submitted which will allow the County Council’s Parking Enforcement Team to patrol and enforce on the market. Notification of the amendment was advertised on the 14 February inviting representations to be made by the 18 March 2013.

5.8.5 Traders Vans – Traders have been reminded of the regulations in relation to trader vehicles parked on the market and those doing this, asked to move. Many of the traders objected to this and therefore it was discussed in more detail with them at the traders meeting held on the 18 February.

5.8.6 National Market Traders Federation Market Shoppers National Charter – The NMTF website states that: “The Market Shoppers National Charter has been introduced to assure customers about the standards they should expect from their market. In essence it lays down the rights they have under the Consumer Protection Act, and advises on how to seek redress should things go wrong. All known market operators are being encouraged to sign up to the charter, which has the support of the National Market Traders’ Federation, the National Association of British Market Authorities, the Institute of Market Officers and the Association of Private Market Operators.

It was agreed by the Market Working Group that Wellingborough Market should sign up to this charter and the traders encouraged to use the initiative to their advantage.

The NMTF website lists the register of participating markets. In addition to the Borough Council of Wellingborough, Northampton Borough Council is the only market authority in the area which is registered on this list.

5.8.7 Traders Information Package – officers have been putting together a new information package which will provide potential new traders with information on Wellingborough Market. This will include: trading hours, location, summary of regulations, tips on how to be a successful trader etc.

5.8.8 Banned Products – the Market Working Group requested that officers investigate the issue of a ‘banned’ product list. Investigations are ongoing as officers contact other market authorities to enquire whether they have established such a list.

5.5 Following a recent restructure at Wellingborough Norse, the Town Centre and Street Cleansing Supervisor post has been re-titled ‘Town Centre Charge Hand’. The duties have also been redefined to allocate more time to the market and town centre cleansing issues. Mr Summerfield who currently holds this post, will
be based at the Market Office.

6 Discussion

6.1 On the 18 February, the Market Working Group met with market traders to discuss the future of Wellingborough Market.

6.2 Twelve market traders attended the meeting to discuss proposals for the location and layout of the market, street trading pitches and possible trader incentives.

6.3 The Chairman expressed the Council’s commitment to making Wellingborough Market a successful and vibrant market and the desire to work with traders to deliver this.

6.4 Market traders were asked to provide their views on the Council’s proposals and share any issues/concerns that they had as well as any recommendations that they would like to put forward to the Council.

6.5 Location of Stalls
The location of market stalls was discussed with traders who expressed a desire to relocate stalls onto Orient Place and Market Street. It was suggested the permanent traders who stand on a Wednesday/Friday and Saturday should be located on Market Street and casual traders located on Orient Place.

6.5.1 Market Working Group Recommendation: Officers investigate the possible relocation of stalls to Market Street and Orient Place for a four month trial period, starting as soon as possible. Details of cost, the number of stalls and service provision to be agreed with the Chairman and Vice Chairman of this Committee.

6.6 Market Charter
Wellingborough’s Market Charter dates back to 1201AD whereby King John granted a charter to the Abbot of Crowland for a market in Wellingborough. Traders requested that the Council enforce this Charter against other markets/car boot sales that are being held within the Borough.

6.6.1 Market Working Group Recommendation: Officers investigate the enforcement of Wellingborough’s Market Charter and a Market Rights Policy is drafted for approval by this Committee to support the Market Charter.

6.7 Parking
As previously explained in 5.4.4, a number of complaints had been received in relation to parking problems at the market. The two main issues are:

- Disabled Parking Bays – non blue badge holders parking within these bays.
- Market Trader Vehicles – the market regulations stipulate that all traders’ vehicles should be removed from the market during market hours. The NABMA health check also highlighted this as a problem and recommended that vehicles are removed from the market place.
6.7.1 Market Working Group Recommendation: Following consultation on an amendment to the Off Street Parking Order, Officers discuss any representations and agree the extent of the amendment to the order with the Chairman and Vice Chairman. The order should, however, be amended to exclude the restriction operating on a Sunday and applying to the parking spaces reserved for the All-Hallows Church officials to use Monday to Saturday.

The Council formally requests the NCC Parking Enforcement Team to enforce within the market area at times to be agreed with the Chairman and Vice Chairman of this Committee.

6.7.2 Market Working Group Recommendation: following a site meeting with traders on the 27 February, officers have been asked to investigate alternative parking options for trader vehicles and to report back to the Market Working Group for discussion.

6.8 Tuesday Bric-a-Brac Market
Countrywide Markets, the operator of the Tuesday Bric a Brac market has notified that Council that it will not be renewing its lease as of the end of March 2012.
Traders from this market have expressed a desire for this type of market to continue on a Tuesday.

6.8.1 Market Working Group Recommendation: That the Council investigate whether the operation of the Tuesday Bric-a-Brac market should be directly managed after March 2013 by the Council. This matter be thoroughly investigated and brought back to committee for consideration.

6.9 Street Trading
There are currently four street trading pitches that are regularly used within Wellingborough Town Centre. Each trader has been contacted individually with regard to the possible relocation of their pitch.

6.9.1 Market Working Group Recommendation: Implications for the existing street trading pitches are determined at the same time as the potential relocation of the market.

6.9 Wellingborough Shoppers Charter
At the traders meeting, officers discussed the registration of Wellingborough Market onto the National Market Traders Federation’s (MMTF), National Market Shoppers Charter (see Appendix Three). The Charter was introduced by the NMTF to assure customers about the standards they can expect from their market. Wellingborough is the only local market other than Northampton that is on this register. The traders agreed that they would support this. The Shoppers Charter will be displayed at the market, on the Council’s website and included with the application information provided to new traders.
6.10 **Marketing**

It was acknowledged by the Council that more promotion of the market was needed. A programme of marketing activities will be developed by officers and discussed with the Market Working Group and traders.

The programme will include the participation of the market and market traders in BID events such as the Easter Bonnet Competition and proposals for a Beach in Wellingborough, Christmas events etc.

Traders queried why there were no events either in the town centre or on the market to mark the Waendel Weekend. Members asked officers to investigate how the market particularly could be involved.

New advertisements will be submitted to relevant trade magazines and newspapers advertising for new traders and advertisements will be placed in local publications advertising the market to local customers.

Officers will work in partnership with the Council’s Communications Officer to promote the market and its traders through the local press and the Council’s newspaper, The Link.

7 **Legal powers**

7.1 The Council’s constitution delegates power to the Committee in respect of town centre management and strategy/operations of the general market, amongst other things

7.2 Local Government (Miscellaneous Provisions) Act 1982 grants power to make regulations and fee charges for trading in Consent Streets.

7.3 Local Government Act 2003 grants power to make regulations and fee charges for Markets.

8 **Financial and value for money implications**

8.1 The Market Working Groups recommendations request Officers to investigate the potential costs of relocation of stalls to be reported back to the Market Working Group.

8.2 There is currently a budget of £3000 for marketing of Wellingborough Market. The marketing programme developed by officers will allocate this accordingly subject to consolation and agreement by the Market Working Group.

9 **Risk analysis**

<table>
<thead>
<tr>
<th>Nature of risk</th>
<th>Consequences if realised</th>
<th>Likelihood of occurrence</th>
<th>Control measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taking no action in respect of</td>
<td>The Market Could further</td>
<td>High probability</td>
<td>Continue to take action to improve</td>
</tr>
</tbody>
</table>
seeking to improve the Market. 

decline and trading collapse with the likelihood of significant financial loss. 

the trading position on the Market.

Taking no action to improve street trading. 
The street remains unattractive for visitors and shoppers and may ultimately dissuade investment in regeneration.

Medium / High

Enhance management of the trading regulations.

Increases could result in further loss of traders 

Loss of income 

Medium 

Minimal increases and new incentives

10 Implications for resources

10.1 The various measures will make better use of the resources invested in the Market

11 Implications for stronger and safer communities

11.1 An improved market could bring benefits to the local community by way of social and economic improvement

12 Implications for equalities

12.1 An equalities impact assessment will be conducted on any potential relocation proposals.

13 Author and contact officer

13.1 Jennifer Bell, Project Co-ordinator

14 Consultees

14.1 Steven Wood, Head of Planning and Local Development
14.2 Victoria Phillipson, Principal Planning Policy and Regeneration Manager
14.3 Nicola Mackenzie, Economic Development Officer
14.4 Nicola Holden, General Manager, (Wellingborough Norse)
14.5 Stephen Dunkley, Cleansing Manager, (Wellingborough Norse)
14.5 Henry Summerfield, Town Centre Charge Hand, (Wellingborough Norse)
14.6 Tracey Cave, Service Accountant
Background papers

Market Working Group Minutes.
Market Working Party

Terms of Reference July 2012

Name - The Group will be known as the Market Working Party

Membership - The Group will be comprised of:

- Five members of the Development Committee reflecting the political balance of the Committee
- A senior Council Officer and such other Council Officers as may from time to time be nominated by the Head of Planning and Local Development
- Wellingborough Norse Representative
- Market and street traders who wish to attend any particular meeting providing they are, at the time of the meeting they wish to attend, fully licensed and paid-up traders at Wellingborough general market under the terms of the Wellingborough Market and Street Trading Regulations.

It is not intended that members of the general public be allowed to attend as a matter of course nor that the minutes of the Group’s meetings be made public.

Objectives

To enable Councillors, Council Officers, Market Traders, Street Traders and key partners such as Wellingborough BID Ltd, to exchange views and develop proposals to enhance and promote the market and its offering, creating a 21st Century market, which:
   a) complements the Town Centre offer
   b) becomes more of an attraction for visitors
   c) acts as a catalyst for retail entrepreneurs

Responsibilities

1. The group will receive opinions and feedback from external agencies (e.g. Wellingborough BID Ltd, Town Centre Partnership, Chamber of Commerce and large retail owners) as well as market traders themselves as to the current trading environment and conditions and how they could be improved.

2. The Group may also commission wider public consultation to further its objective.

3. Make recommendations to the Development Committee in accordance with the above, for matters to be put to the appropriate committee of the Council for approval where power to make a decision has not already been delegated to an officer.

Meetings

The group will meet monthly from September 2012 and will cease to exist once its findings have been discussed at Development Committee in February 2013.
Wellingborough Market Health Check – summary report

Introduction

NABMA members are entitled to a free half-day consultancy/health check. Following discussions with Wellingborough Council, a site visit was carried out on 30 November 2012. The meeting took place with the Council’s Economic Regeneration Officer, Environmental Maintenance Manager and Street Cleansing and Town Centre Supervisor

Issues discussed

1. Market location
   The market square is bounded by Orient Way, Market Street, Pebble Lane and Church Street and holds 87 fixed stalls. A further 14 are located on Pebble Lane itself. Adjacent to the market is the town’s taxi rank and there is free car parking close by. The market also lies on a pedestrian link from the bus stops on Church Street to Market Street. There are public toilets adjacent to the market and a public library close by.
2. **Market lay-out**

Current occupancy levels mean that many of the fixed stalls are vacant and create the perception of a market in decline. Traders tend to make use of the perimeter stalls, creating a ‘doughnut’ effect, with vacant stalls in the centre.

3. **Accessibility/visibility**

Although the market is centrally located, it has a relatively low profile and is not easily visible from the high street. The stalls on Pebble Lane are relatively well occupied and appear to be supported by a pedestrian route linking Market Street/Swans Shopping Centre with the bus stops on Church Street. However, at the time of the visit, most pedestrian flow into town appeared to be coming from Morrison’s car-park along Burystead Place, across Silver Street and into Market Street.

However, pedestrians did not appear to be turning left up Orient Square/Way to the market. This May be due to the lack of signage-animation in the area and the blank wall along the side of Barclay’s Bank, as illustrated in the photo below.
Although there is clear evidence of finger signage for the market not all of it points in the right direction – the photo below shows a sign directing people away from the market down Midland Road.

4. Market/street trading/retail offer
The market offer is limited - from traders’ vans parking by the side of the market to a narrow range of goods for sale. The food offer in particular is very restricted.

In addition, little effort appears to have been focused on prime ‘anchor’ stalls at the entrances to the market. The photo below shows the first stall at the entrance to Pebble Lane – an unappealing pile of shoes.
Market Street also provides 3 street trading consent pitches – bags, plants and a burger van. The offer is visually unappealing, somewhat random in offer and appears to offer no connection to the market.

5. Market Rights
Information provided by the Council shows that Wellingborough market was established under Royal Charter. However, no evidence was found on the visit that the powers to hold a market have been updated to reflect modern trading locations and days.

As part of this review, it emerged that the Council has no published policy on market rights.

6. Approvals to hold market
Pebble Lane is a public highway. It also supports 14 market stalls. To date the markets team has been unable to confirm that formal approval to operate the market was obtained from the Highways Authority. If this is the case, there is a risk that the market may have to cease trading from this location, should the Highways Authority choose not to give consent, once approached.
7. **Attracting traders/business support**
   Some work is being carried out – offering discounted start-ups to young people, though more could be done to encourage new business start-ups. The support material developed by the National Market Traders’ Federation (NMTF) is not being accessed.

8. **Finance/fees**
   Changes to the financial management of the market are being introduced, which should help manage regular trader payments and arrears. In addition, additional personnel are being authorised to collect from casual traders.

   In terms of stall fees, these are reviewed annually, with the last increase introduced in April 2012.

9. **Marketing**
   A small marketing budget is in place to promote the market, and the market has dedicated pages on the Council’s website. Social media is not currently used to promote the market or attract shoppers/traders.

10. **Systems & procedures**
    Some work is under way in relation to reviewing and updating systems and procedures. Revised regulations and stall fee payments procedures are being introduced.

11. **European Services Directive**
    The Department for Business Innovation and Skills (BIS) has just launched a consultation in relation to abolishing the Pedlars Legislation and amending elements of street trading in relation to restricting licenses on the ground of trade balance. A copy of NABMA’s initial comments on the implementation of these aspects of the European Services Directive is attached.
Conclusions

Based on the brief site visit and discussion with Council Officers, NCS draws the following conclusions:

• There is evidence of a long tradition in and support for markets in Wellingborough. However, in recent years, the market has started to show signs of decline, with an average of about 46% occupancy on Saturdays and 26% on Fridays and 28% on Wednesdays.

• On balance, the market location is right. The market square is close to the town centre, has facilities such as public toilets, the Library, Tresham College, the bus stops on Church Street, and has good vehicle access and egress for traders to set up and take down their stock.

• However, the market is largely hidden from Market Street, and ways of addressing this need to be pursued as a priority.

• The markets team combine experience and commitment, and significant progress has been made in reducing the budget deficit by more effective and efficient management of finances. The officers involved are to be commended for their efforts.

• However, resources also need to be focused on improving the market offer, which together with the street trading offer on Market Street is generally quite poor and lacking in variety.

• The food offer in particular is very small, and should be capable of being expanded.

• Stall charges generally reflect the vibrancy and economic vitality of the market. Given the high vacancy rates and depressed trading conditions currently found on the market, the scope for increases in stall fees is limited.

• More can be done to improve the Wellingborough Market brand, and in terms of marketing and promotion.

• The permissions and approvals under which the market operates are unclear. Two specific issues have been identified. Firstly, although Wellingborough has a market charter, there appears to be no statutory updating of the market powers to reflect modern locations, trading days etc. Secondly, evidence of formal approval to operate the market stalls on Pebble Lane – a public highway – has not yet been found.

• The Council does not appear to have a Market Rights Policy in relation to enforcing its market rights.

• In relation to support for new business start-ups, closer links could be forged with the local college and schools, and better use made of markets specific and general business support already available.

• Although positive progress is being made in reviewing and updating Wellingborough market’s systems and procedures, resources will need to be focused on completing this process.
Recommendations

1. Market Location
   Wellingborough market should remain in its current location. However, it should be reduced in size, with blocks of currently unused fixed stalls removed from the centre of the square to create a space that could be used for events, café-style tables and chairs or expansion of the market using demountable stalls should demand increase in the future.

2. Market Accessibility
   Wellingborough Council should collect footfall data to determine which access points into the market are most used. This can be done simply using hand-held clickers. This data would provide valuable evidence to support realigning the profile and access (stalls/banners) into the market. Based on observation at the time of the visit, the link from Market Street to Orient Way offers potential to raise the profile of the market and tap into footfall coming from Morrison’s car-park along Burystead Place and across Silver Street into town.

   A review of all signage should also be undertaken to ensure that directional signage leads to the market.

3. Market/Street Trading Offer
   Wellingborough Council needs to focus resources on improving the offer of the market and the stalls on Market Street. Examples include removing trader parking from the market square, improving the appearance of ‘anchor’ stalls at access point to the market such as the shoe stall on Pebble Lane, and reviewing the mix of street trading stalls on Market Street. While there is little evidence of a strong retail food culture in the town, there is scope to increase the food offer on the market. The process should also include carrying out shopper surveys to find out what people want from Wellingborough market.

4. Business Start-up/Links to local colleges
   The markets service needs to consider ways of attracting and sustaining new market traders and supporting existing ones to adapt to new retail conditions. It should continue to develop links with Tresham College, Job Centre Plus, and schools in relation to:

   • providing trading opportunities for new businesses developing from the schools and colleges,
   • promoting market trading as a career opportunity, and
   • exploring the potential for providing mentoring/business support to new traders on the market.

   It should also consider developing a new and existing trader support packages, that could include links to the National Market Traders’ Federation guidance – NMTF First and NMTF 400 (see websites).

   NMTF First: [http://www.fedmedia.co.uk/First&400/](http://www.fedmedia.co.uk/First&400/)

   NMTF 400: [http://www.fedmedia.co.uk/400details/](http://www.fedmedia.co.uk/400details/)

   It should also consider the use of social media in promoting the market and recruiting new traders and customers.
Participating in Love Your Local Markets fortnight 15-29 May 2013, also offers the opportunity to promote business start-ups on the market.

5. **Market Rights/Policy**

Wellingborough Council should review the provisions under which it holds its market, and, in particular, establish its market operations under the provisions of the Food Act 1984. This process also confers ‘market rights’ on the owner, which in effect gives them a monopoly right to prevent/control rival markets within a distance of 6.66 miles of each market. Over time, case law has established that in order to protect those market rights, there must be open and consistent enforcement of the powers.

It should also draft its Market Rights Policy, ensure that it is freely available (preferably as a web-based download), and that it is consistently and equitably enforced. Manchester City Council has kindly agreed to share its policy as an example of good practice, and a PDF copy is included with this report.

6. **Pebble Lane**

At the time of the visit there was some uncertainty as to whether formal consent had been sought and obtained in relation to the provision of market stalls on Pebble Lane, which remains a public highway. Priority should be given to refocusing access/market stall provision in line with Recommendation 2. However, discussions will need to take place with the Highways Authority in relation to these changes.

7. **Finance/Fees**

Wellingborough Council should calculate and set a target for the minimum number of new traders required on the market. This could be determined by calculating the number of traders paying current fees required to deliver a break-even budget. Alternatively, it could be calculated on delivering a small operating profit. Such a target will have the benefit of providing a focus and measure of progress for the market transformation project.

In relation to stall charges, it is recommended that no increase is introduced in 2013/14 in order to facilitate the recruitment of new traders.

8. **Marketing & Promotion**

Consideration should be given to rebranding Wellingborough’s market as part of the review and on improving marketing and PR. In particular, focus should be given to the markets’ web presence and the use of Social Media.

9. **Systems & Procedures**

Work should continue in reviewing and updating all the market’s systems and procedures.

---

Krys Zasada
Lead Consultant
NCS
December 2012.
Wellingborough Market Shoppers Charter

Thank you for shopping at Wellingborough Market.

The Borough Council of Wellingborough, Wellingborough Norse and the market traders wish to ensure that you enjoy the experience of market shopping. We hope that you will find the stallholders courteous and helpful and that the wide choice and variety of goods and services on offer represent good value.

It is our intention that you will not have any problems with your purchases, but should any problem arise the law entitles you to certain protection when shopping in Wellingborough Market.

- Goods sold as new must not be faulty and must work satisfactorily.
- Goods must be safe and fit for the purpose for which they were purchased.
- Goods must be as described either verbally or on the label or packaging or otherwise.
- Services must be as described and carried out in a proper manner with the provider using reasonable skill and care and carried out within a reasonable time and at a reasonable price.

However, you are not legally entitled to compensation or redress if:-

- You have simply changed your mind over the colour, style, size etc of the article, seen a cheaper product elsewhere or have no further use for the goods.
- The goods contained defects which were made known to you at the time of purchase or as described by a notice.
- The goods have been mistreated or used for a purpose for which they were not intended.

If you are not satisfied with the goods or services you have received from any trader whilst shopping at Wellingborough Market, you should follow these procedures:-

1: Approach the stallholder concerned, taking with you any receipts and explain the problem quietly and calmly. In most instances the problem is usually satisfactorily resolved at this stage.

2: If you cannot remember the stall location or cannot reach an agreement with the stallholder please contact the Markets Office situated on the market site or telephone 01933 234520 and a member of the market staff will be pleased to assist you.

If you do not wish to follow this advice, you may of course seek your own independent professional advice. However, free advice on any consumer related matter is available from: Northamptonshire Trading Standards Service, Wootton Hall Park, Northampton, NN4 0GB, Tel: 0300 126 1000, Email: tradestd@northamptonshire.gov.uk, Website: www.northamptonshire.gov.uk/tradingstandards