

RELOCATION OF HYTHE MARKET AND TRANSFER OF MANAGEMENT AND CONTROL OF HYTHE MARKET TO HYTHE AND DIBDEN PARISH COUNCIL

1. INTRODUCTION

- 1.1 This report deals with a request from Hythe and Dibden Parish Council to relocate the weekly Tuesday Hythe Market from part of New Forest District Council's car park at St Johns Street to parts of the High Street, St Johns Street and The Marsh and to transfer management and control of Hythe Market from the District Council to the Parish Council. The Parish Council's request is attached as Appendix 1. A plan showing the proposed new location for Hythe Market coloured green is attached as Appendix 2.

2. BACKGROUND

- 2.1 This Committee has previously dealt with requests from New Milton Town Council and Totton Town Council to take on control and management of their local Market. This Committee and full Council has previously agreed and followed the appropriate process in relation to the New Milton Market in 2003/4 and then the Totton Market in 2011/12. This involved designating consent streets to permit street trading and then delegating District Council powers to control the street trading to the Town Councils under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act"). It is proposed that the same process would be followed in relation to Hythe Market, as the legislation and procedures remain unchanged, and more details of the process are set out at paragraph 4 of this Report below.

3. THE PARISH COUNCIL'S REQUEST

- 3.1 The Parish Council's request indicates that the size of Hythe Market has been "shrinking" and this has had a direct effect on businesses in the area. The Parish Council believes that relocating the Market to a more central High Street location will be good for the viability of the village and increase the footfall on Tuesdays. Ideally, the Parish Council would like to take over control of the Market and operate it in the new location (with the assistance of an experienced market operator) on Tuesdays as soon as is possible after Good Friday 25 March 2016.
- 3.2 The Market has been operated by the District Council for the last 12 years. The Council contracts out day-to-day management of the Market and has weekly licences with the dwindling number of traders. Both the contract and licences would need to be terminated if the District Council agrees to relinquish control of the Market to the Parish Council.
- 3.3 The District Council's Asset Management Group has considered the level of income that the Market generates of around £21,000 per annum for the District Council and is supportive of relocating and relinquishing control of the Market to support the Parish Council in its aspirations and to relieve the District Council of the burden of running the Market.

- 3.4 Since making its request, the Parish Council has carried out formal consultation on the proposal with the local community and businesses and received 215 individual responses via social media, the Parish website and in writing. The Parish Council summarises the responses as follows:
- 190 Agree to the market being moved (88.5%)
 - 25 Disagree (11.5%)
 - Of the 215 total, 23 (10%) responses were from businesses in Hythe and of those, 100% supported the moved.
- 3.5 The relocation of the Market is dependent on a Traffic Regulation Order (“TRO”) being made to permit the closure of part of St Johns Street to traffic on the Tuesday market days. This is not a matter within the terms of reference of this Committee. The District Council’s Transportation Section is dealing with the TRO and is now in a position to make the Order and is liaising with the Parish Council to determine when the TRO should come into operation but it is understood that it is likely to be March 2016. So, even if this Committee decides to designate that part of St Johns Street as a consent street, no trading on the road will be permitted unless and until the TRO is made and comes into force.
- 3.6 The Parish Council has also been made aware that, as part of taking over control and management of the Market, it would be responsible for obtaining any necessary planning permission involved in relocating and managing the Market going forward.

4. THE PROCESS

- 4.1 The relevant legislation states that a District Council may resolve that the street trading provisions in the Act, which govern markets such as Hythe Market, will apply to their District. This Council made that resolution on 29 July 1985.
- 4.2 This Council may now designate particular streets in the District as “consent streets” for the purposes of the Act to enable trading on those streets.
- 4.3 The designation process involves giving more than 28 days’ notice of the Council’s ‘intention to pass a resolution to designate’ in a local newspaper, inviting the public to make representations, and supplying the Chief Officer of Police for the area and Hampshire County Council, as highways authority, with a copy as statutory consultees.
- 4.4 If, after considering all representations, the Council decides to make the resolution and designate as “consent streets”, the Council must again give more than 28 days’ notice in a local newspaper of the ‘coming into force’ of the designation.
- 4.5 Once a street is designated as a consent street, the Council has powers to issue consents to traders to trade in that street. The District Council may delegate these powers, should it choose to, and place conditions on any delegation granted. The intention here is that the District Council and Hythe and Dibden Parish Council would enter into a formal agreement with the District Council delegating its powers to issue consents to traders to the Parish Council. This would include any conditions the District Council wished to insist on. As a minimum, it would oblige the Parish Council to be responsible for issuing consents and monitoring compliance; restricting trading to Tuesdays only; maintaining public liability insurance; maintaining adequate arrangements for litter clearance; and ensuring compliance with the instructions of the highways authority over the mechanics of the road closure and diversion signing.

There would also be provisions giving the District Council power to serve formal notice on the Parish Council to rectify any breaches of the agreement, and to terminate the agreement if the breaches continued.

- 4.6 Only full Council can delegate to the Parish Council its powers to exercise its functions under Schedule 4 of the Act.

5. CONCLUSIONS

- 5.1 The Parish Council is keen to take on control and move the location of the existing Market and its formal consultation has shown firm support for this proposal. It therefore appears appropriate for the District Council to support the Parish Council in its aspirations to benefit Hythe, its businesses and the public and accept and further progress the Parish Council's request. This would also benefit the District Council by relieving it of the burden of carrying on the operation of a dwindling Market in its current location.

6. FINANCIAL IMPLICATIONS

- 6.1 The Parish Council has agreed to meet the costs incurred by the District Council in relation to the designation of parts of the High Street, St Johns Street and The Marsh as consent streets and the costs of making the TRO.
- 6.2 So long as the proposed formal agreement is entered into with the Parish Council, the financial implications to this Council of designation as consent streets will be minimal and will become the responsibility of the Parish Council until the agreement is terminated.
- 6.3 The loss of the income from the existing Market of around £21,000 per annum in its current location has been considered by this Council's Asset Management Group. Whilst there will be a loss of that income to the Council, it is considered that the benefits to the village centre in relocating and reinvigorating the Market will outweigh that factor.

7. ENVIRONMENTAL, CRIME & DISORDER IMPLICATIONS

- 7.1 A properly regulated centrally located market can improve the economic vitality of a town or village, countering the perceived attraction of "out-of-town" retail stores.
- 7.2 The conditions in the proposed formal agreement should ensure that the streets are left in an acceptable state of cleanliness at the end of market days.

8. EQUALITY & DIVERSITY IMPLICATIONS

- 8.1 Increasing the retail offer in the village centre would provide more choice to those local residents with reduced mobility, or those residents where access to private motor vehicles or public transport might be limited.

- 8.2 The proposed TRO permitting the closure of St John's Street shall affect that part of St Johns Street which has several disabled bays and a loading bay To offset the loss of disabled parking, it is proposed to create 5 alternative but comparable disabled parking bays on The Promenade, by re-designating 6 existing general purpose limited waiting bays. Overall the proposals will increase the disabled parking provision in the village.

9. PORTFOLIO HOLDER COMMENTS

- 9.1 The comments of the Portfolio Holders for Finance & Efficiency (Councillor Jeremy Heron) and Transportation (Councillor Edward Heron) are awaited.

10. RECOMMENDATIONS

- 10.1 That, in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, notice be published in a local newspaper as soon as possible of the Committee's intention to pass the following draft resolution on 15 January 2016.

"That parts of the High Street, St Johns Street and The Marsh in Hythe, Southampton be designated as consent streets within the meaning of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, and that this designation comes into force on 18 February 2016"; and

- 10.2 That a brief Report setting out responses from the public and statutory consultees be brought to the 15 January 2016 meeting of this Committee. If there are no objections and/or the responses are favourable, that Report shall contain the following recommendations:

10.2.1 That those parts of the High Street, St Johns Street and The Marsh in Hythe shown coloured green on the plan attached as Appendix 2, be designated as consent streets within the meaning of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, and that this designation comes into force on 18 February 2016; and

10.2.2 That the following recommendations be made to full Council at its meeting on 22 February 2016:

10.2.2.1 That, subject to an agreement being entered into under recommendation 10.2.2.2 below, and the making of a Traffic Regulation Order in relation to part of St Johns Street, all the Council's functions under paragraphs 7 and 9 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 be delegated to Hythe and Dibden Parish Council in respect of those parts of the High Street, St Johns Street and The Marsh in Hythe which were designated as consent streets on 18 February 2016;

10.2.2.2 That the Head of Legal and Democratic Services be authorised to enter into a written agreement with Hythe and Dibden Parish Council concerning the terms on which the Parish Council is to exercise this delegation; and

10.2.2.3 That the Chief Executive, in consultation with the appropriate Head of Service and the Chairman of the General Purposes and Licensing Committee, be authorised to exercise the Council's powers under the terms of the agreement referred to in 10.2.2.2 above.

Further Information

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Background papers

Public documents