

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

1. INTRODUCTION

- 1.1 A report was made to the General Purposes and Licensing Committee on 13 November 2015, to deal 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 those parts of the High Street, St Johns Street and The Marsh in Hythe shown coloured green on the plan attached to this Report as Appendix 1 ("the Streets") and to transfer management and control of Hythe Market from the District Council to the Parish Council.
- 1.2 Notice of the proposal to designate the Streets shown on Appendix 1 as 'consent streets' has been given and no representations have been received from the Statutory Consultees or from the public.
- 1.3 The notice referred to in paragraph 1.2 contained the draft resolution intended to be taken by this Committee at its scheduled meeting on 15 January 2016, with the date of the coming into effect of the consent streets being 18 February 2016. However the date of the meeting was changed from 15 to 29 January 2016 so the proposed operative date will now be 16 March 2016.
- 1.4 The Council is obliged, as part of the statutory process under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act"), to consider any representations received. As there are none, the Streets concerned may now be designated as 'consent streets', thus allowing trading to take place.

2. DELEGATION OF POWERS TO THE PARISH COUNCIL

- 2.1 If the Streets are designated as 'consent streets', the next step would be for the District Council to delegate its powers to issue consents to traders to trade on those Streets. The intention of the District Council and the Parish Council has been that these powers would be delegated to the Parish Council subject to a formal agreement between the respective Councils which would include conditions such as, as a minimum:-
 - obliging 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.

- 2.2 Only full Council can transfer management and control of Hythe Market to the Parish Council by delegating its powers to exercise its functions to control street trading under Schedule 4 of the Act.
- 2.3 The relocation and transfer of control of the Market still remains 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 and to create 5 alternative but comparable disabled parking bays on The Promenade to off-set the loss of up to 4 disabled parking spaces on that part of St Johns Street on Tuesday Market days. The Council’s Transportation Section envisions the TRO being made in time to enable the Market to trade on the Streets as soon as possible after 25 March 2016.

3. CONCLUSIONS

- 3.1 The Parish Council remains keen to take on control and relocate the existing Hythe Market. It therefore appears appropriate for the District Council to continue to support the Parish Council in its aspirations to benefit Hythe, its businesses and the public by designating the Streets as ‘consent streets’, and by recommending the relocation and transfer of control of Hythe Market to the Parish Council.

4. FINANCIAL IMPLICATIONS

- 4.1 The Parish Council has agreed to meet the costs incurred by the District Council in designating the Streets as consent streets and of making the TRO.
- 4.2 So long as the proposed formal agreement is entered into with the Parish Council, the financial implications to this Council will be minimal and will become the responsibility of the Parish Council until the agreement is terminated.
- 4.3 Income from the existing Market of around £21,000 per annum in its current location on the St John’s Street car park will be lost. However, it is considered that the benefits to the village centre in relocating and reinvigorating the Market will outweigh that loss.

5. ENVIRONMENTAL AND CRIME & DISORDER IMPLICATIONS

- 5.1 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.
- 5.2 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.

6. EQUALITY & DIVERSITY IMPLICATIONS

- 6.1 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.
- 6.2 The proposed TRO is intended to offset the loss of disabled parking on that part of St Johns Street on Tuesday Market days, as 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.

7. RECOMMENDATIONS

- 7.1 That those parts of the High Street, St Johns Street and The Marsh in Hythe shown coloured green on the plan attached to this Report as Appendix 1, 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 16 March 2016; and
- 7.2 That the following recommendations be made to full Council at its meeting on 22 February 2016:
- 7.2.1 That, subject to an agreement being entered into under recommendation 7.2.2 below, and the making of a Traffic Regulation Order in relation to part of St Johns Street and The Promenade, 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 are to be designated as consent streets on 16 March 2016;
- 7.2.2 That the Executive Head (Governance and Regulation) 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
- 7.2.3 That the Chief Executive, in consultation with the appropriate Executive Head 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 7.2.2 above.

Further Information

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Background papers

Public documents