

Asset management - Ramsgate Market

Cabinet	16th June 2022
Report Author	Stuart Longbottom - Director of Property
Portfolio Holder	Cllr-David Saunders, Cabinet Member for Finance and Cllr-Reece Pugh, Deputy Leader & Cabinet Member for Economic Development
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Sir Moses Montefiore, Eastcliff, Central Harbour, Cliffsend and Pegwell, Nethercourt and Newington Ward

Executive Summary:

This report details the outcome of the prior information notice (PIN) exercise and recommends new proposals for securing a market operator, as well as amending the current designation of prohibited streets for Street Trading and Street Hawking.

Recommendation(s):

1. For Council to remove Street Trading and Hawking restrictions on the High Street, King Street and Queen Street, Ramsgate to facilitate an outdoor market;
2. To give delegated authority to the Director of Law and Democracy to prepare and complete the relevant Agreement(s) on terms to be agreed.

Corporate Implications

Financial and Value for Money

The Council will charge a fee of £250 per market, therefore annual income is expected to range between £3,000 to £13,000 depending on whether markets are held monthly or weekly. This will represent additional income for the authority over and above the current budget estimates. The Council will incur no additional costs from the operation of a Ramsgate Market, but its operation will utilise existing resources in the form of officer time (for example for procurement and the issues of contracts).

Value for money will be secured by following the Council's procurement process to find a new market operator. This will be a Concessions Contract and is anticipated to be an open Invitation to Tender process advertised via the Kent Business Portal and offers will be evaluated on prospective suppliers submitting the Most Economically Advantageous Tender (MEAT) based upon a composition of quality and cost.

Legal

The removal of Street Trading and Hawking restriction in order to designate the High Street, King Street and Queen Street as a “Licenced Street” for the purposes of Street Trading.

Procurement will involve the advertising of the proposals in line with appropriate regulations and the award of a Concession Contract to the market operator.

Risk Management

The main risk to this project is failure to procure an operator. This will be mitigated by utilising an appropriate robust procurement service. This mitigation should reduce the probability of not securing an operator as it will give explicit instruction on documentation required, duties and responsibilities for undertaking a market operation.

Corporate

The Council's Corporate Statement sets out its commitment to, “constructively explore approaches for Community Wealth Building and Maximise the return on our assets and services”.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (Section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty:

- To advance equality of opportunity between people who share a protected characteristic and people who do not share it.

The procurement of a new market will have no impact under the Equality Act 2010 and Public Sector Equality Duty.

The new market will be of benefit to the community and will support our commitment under these acts to continue to provide inclusive community facilities.

Corporate Priorities

This report relates to the following corporate priorities: -

- Growth
- Communities

1.0 Introduction and Background

- 1.1 The Council recognises the role a market can play in a town centre and acknowledges the affiliation for the current provision by local residents, as well as the need to support the established traders.

2.0 The Current Situation

- 2.1 A prior information notice (PIN) soft market testing exercise was published in January 2022 by Thanet District Council; there was no formal response to the PIN. There was however one expression of interest.

Thanet District Council will now request tenders for the provision of Market Operator Services for a weekly (subject to planning permission) or monthly outdoor market in Ramsgate.

The Tender opportunity will be openly marketed via the Kent Business Portal to attract the widest possible interest and this enables all interested entities to be able to express interest in the Tender process.

The supplier will be required to productively manage the market and all services required for its efficient running are to be provided by the supplier. (subject to planning)

The supplier would need to be able to identify new, innovative and sustainable ideas in recognition of the change in the retail sector and markets and market operation in line with Thanet District Council's Corporate Statement. (found at <https://www.thanet.gov.uk/info-pages/corporate-statement/>)

Two potential locations have been identified as suitable for a market: Ramsgate High Street and/or Westcliff Promenade Green. Other locations could also be considered.

In order to operate Street Trading from Ramsgate High Street, Queen Street and King Street, the Council should seek to remove the Street Trading and Hawking restriction for this area in order to designate the High Street as a Licenced Street for the purposes of Street Trading.

Ramsgate High Street, King street and Queen Street are currently prohibited areas for street trading under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, in order to be able to hold a market here the Council will need to seek to remove this restriction and designate these areas as Licensed Streets for the purposes of street trading. There is a prescribed process to follow to allow this to happen. (Working paragraph - still to be confirmed)

3.0 Options

- 3.1 To procure a new market that will operate successfully maximising the benefits for the market traders, consumers and the wider community as per the recommendation above.

To remove the Street Trading and Hawking restriction for this area in order to designate the High Street as a Licenced Street for the purposes of Street Trading.

- 3.2 To keep trading restrictions in place and seek alternative locations outside the prohibited areas (a full list of the prohibited roads can be found on Thanet District's Council website: <https://www.thanet.gov.uk/info-pages/street-trading-and-hawking/>)

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Background Papers

Title: Strategic Asset Management Plan - Thanet District Council Website or contact propertyandassetmanagement@thanet.gov.uk.

Corporate Consultation

Finance: Chris Blundell, Director of Finance

Legal: Estelle Culligan, Director of Law and Democracy