

Report to Portfolio Holder for Growth and Regeneration

Subject: Relocation of Arnold Market Stalls for a temporary basis

Date: 2 December 2020

Author: Service Manager for Economic Growth and Regeneration

Wards Affected

Borough wide

Purpose

This report seeks approval to establish a temporary market at Eagle Square whilst the redevelopment of Arnold Market Place is undertaken.

Key Decision

This is not a key decision.

Recommendations

1. Subject to all necessary consents and permissions being obtained, approval is given to establish a temporary market at Eagle Square as detailed in this report to ensure sufficient market provision during the redevelopment of Arnold Market Place.

1. Background

- 1.1 On 6th August 2020, Cabinet approved, subject to budget approval and the grant of planning permission, the final scheme for the redevelopment of the Arnold Market Place comprising of a new two-storey building and public square. Approval was also obtained to submit a planning application for redevelopment of the site and to progress the scheme to construction. Council approved the budget for the scheme on 16 September 2020.
- 1.2 Officers subsequently submitted an application for full planning permission for the approved scheme which was granted on 27 October 2020. A main contractor has been identified through the SCAPE Framework, to begin construction on the redevelopment of the site shortly.
- 1.3 Discussions have taken place with market traders currently operating at Arnold Market Place and local businesses about the redevelopment, and how practically a market can continue to operate in Arnold safely during the

redevelopment. Whilst some stalls may be able to operate safely at the current Arnold Market site during some phases of the redevelopment, it is accepted by traders that there will be a need to provide an alternative location for the market so the Council can continue to offer a full market on market days (Tuesdays, Fridays and Saturdays).

- 1.4 In terms of an alternative location for the market, Eagle Square has been identified as a potential suitable alternative. This is on the basis that it is land in the Council's ownership, it has a prime location at the gateway to the town centre of Arnold and it is in close proximity to the existing market. Furthermore, in terms of its size, this area provides a space which can accommodate up to 12 stalls, which is sufficient provision for the operation of the current market. Appendix A shows the area of Eagle Square identified as suitable for hosting the market.
- 1.5 In parallel to the redevelopment of Arnold Market Place, the Council is also keen to try and draw people back to the town centre following a challenging period for businesses who have struggled during the Covid-19 pandemic. The relocation of the market to Eagle Square, and the use of this site as a market with the provision of permanent fixed stalls, provides an opportunity not just for Arnold Market to continue, but to offer space for other independent/craft markets or Christmas markets to operate as part of a bid to re-open the High Street. As Arnold Market currently operates only three days a week, the relocation to Eagle Square has a secondary benefit of potentially hosting public events and alternative markets and provides other local businesses with an opportunity to trade outdoors in a Covid-secure way.
- 1.6 In order to operate a market from Eagle Square, appropriate consents and approvals would be required. Planning permission for change of use of the land and the erection of fixed stalls is necessary, and an application for permission has been submitted, drawings for which are shown at Appendix B. An application for consent to operate a market from this site which is currently a prohibited street under the Council's Street Trading policy has also been submitted. In addition, approval would be required from Nottingham City Council to establish a market in this location in accordance with the Market Charter which requires the City's consent. The City Council have confirmed that this will be in place. Officers have also liaised with the County Council regarding the proposal as Eagle Square is designated as highway. The County Council have indicated that no formal approval or consent is required from them as Highways Authority. Finally, the Council must ensure that any market operated from Eagle Square is appropriately risk assessed and measures are put in place to comply with Covid-19 regulations and guidelines. The location of the stalls on Eagle Square as shown at Appendix B has been considered taking into account social distancing as well as accessibility and equality factors.
- 1.7 If the market space at Eagle Square were to be used by other businesses or other specialist markets were to utilise the space, this would be subject to separate approvals as appropriate licences relating to the land would need to be agreed by the Council.

2. Proposal

- 2.1 It is proposed that approval is given to establish a temporary market at Eagle Square in order to provide a location for Arnold Market to be run whilst the current Arnold Market Place is redeveloped. Whilst it is anticipated that some of the market stalls can remain at Arnold Market Place for some of the construction phase, there will be become a time when Arnold Market cannot be held at that site and all of the market stalls will need to be removed. There is no definite timetable at this stage as to when the market will need to move from Arnold Market Place, as this is subject to the detailed programme of works, which is currently being prepared by the Council's identified main contractor.
- 2.2 Officers have been liaising with traders, local retailers and other stakeholders (including the County as the highway authority and the City in respect to the Market Charter) to explore this proposal. The only option to relocate some of the stalls, which is in Council ownership, within Arnold town centre and appropriate for use as a market is the land at Eagle Square shown in the plan at Appendix A. Other options have been considered (see below).

3. Alternative Proposals

- 3.1 Alternative locations for a temporary market have been considered as part of the initial feasibility work. However, all the other Council owned land was either not within the town centre or not suitable for a market (i.e. not hard surfaced). Therefore, the only option to meet the requirements was the land at Eagle Square. There is the option of putting the stalls in storage and only operating a reduced market on the current site. However, there will be a point during construction where all of the stalls will need to be removed and so an alternative location would need to be found at this point, in any case, otherwise Arnold Market would need to be suspended whilst the redevelopment works take place.
- 3.2 Alternative market stall layouts could have been chosen for the Eagle Square site. Many options were considered but were discounted on Health and Safety grounds and in respect of social distancing. The option for the market stall layout (shown in Appendix B) has been carefully considered by the project team and has been risk assessed as being Covid secure and meeting all other operational requirements.

4. Financial Options

- 4.1 The costs of the relocation of the stalls and any initial set up costs (such as the electricity connections) are expected to be in the region of £3k, these costs can be accommodated within existing revenue budgets.

5. Legal Implications

- 5.1 The Council operates the market at Arnold Market Place pursuant to powers under section 50 of the Food Act 1984 (as amended). This provides local authorities with the power to establish or acquire a market within their area,

subject to the proviso that a market may not be established so as to interfere within any rights, powers or privileges enjoyed in respect of any markets within the area without the consent of the person with the benefit of such rights. Alternatively, the Council could utilise its general power of competence under section 1 of the Localism Act 2011 to relocate the market. This gives local authorities the power to do anything that individuals generally may do.

- 5.2 The appropriate consents and approvals must be in place before a market can operate from Eagle Square including planning permission and consent to trade under Street Trading rules, as well as approval in relation to the Nottingham Market Charter. Any third parties utilising spare stalls on non-market days would require separate approval as appropriate licences would be required.
- 5.3 Any temporary market must be operated in accordance with any regulations in place at the time in respect of Covid-19. Appropriate risk assessments and other operational matters will be considered and undertaken as appropriate.

6. Equality Implications

- 6.1 An Equality Impact Assessment has been completed for the relocation of the market stalls – see Appendix C. There are no outstanding equalities implications that need to be considered as part of this report.

7. Carbon Reduction/ Sustainability Implications

- 7.1 None perceived.

8. Appendices

- 8.1 Appendix A: Site Plan of the Two Sites
- 8.2 Appendix B: Stall Layout Plan
- 8.3 Appendix C: Equality Impact Assessment

9. Background Papers

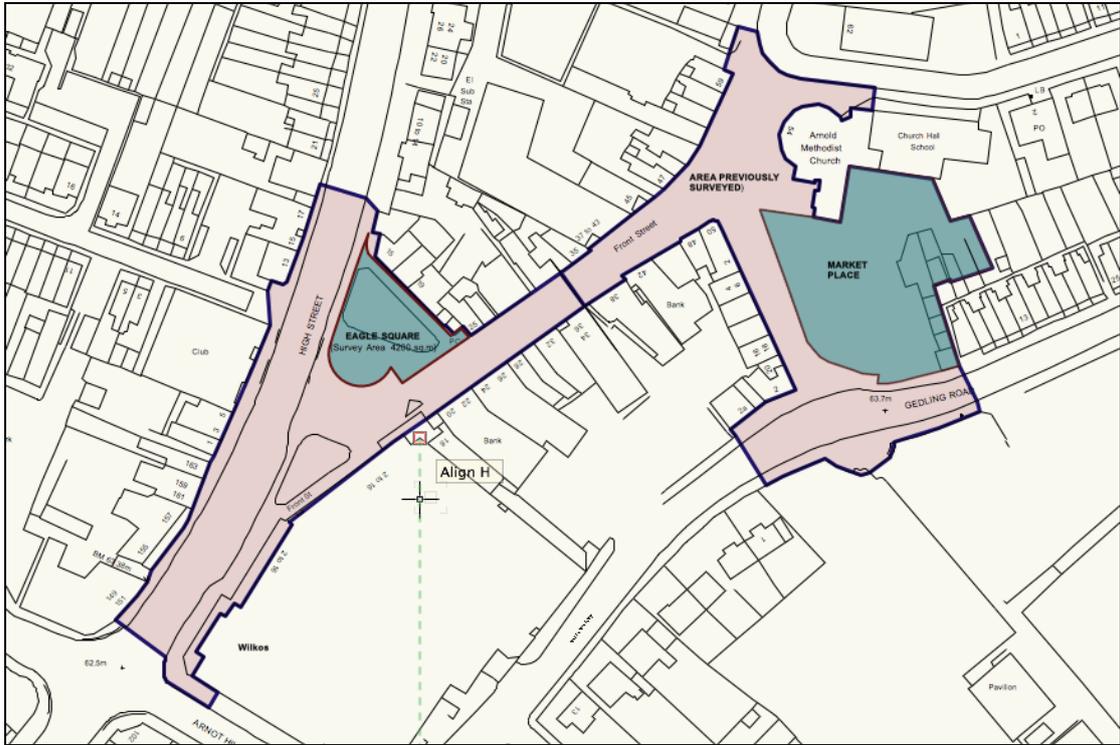
- 9.1 Previous Cabinet Report (dated 5 April 2018)
- 9.2 Previous Council Report (dated 16 September 2020)

10. Reasons for Recommendations

- 10.1 To enable the redevelopment of Arnold Market Place to proceed whilst still ensuring the market can operate throughout.
- 10.2 To enable the relocation of Arnold Market traders to Eagle Square once the redevelopment of Arnold Market Place necessitates this or sooner if requested by traders
- 10.3 To ensure the continued prosperity of the wider town centre of Arnold.

10.4 To enable the safe and efficient working of the contractor whilst they redevelop the market place.

Appendix A: Site Plan for the Two Locations



Appendix B: Stall Layout Plan

Interim Market Stall Layout Option B

Individual Stall Dimensions 3.6m x 2.4m
Height to apex = 2.5m

Total Area of Stalls = 104 sq.m

