

Chertsey Town Centre Street Licensing Review – Town Centres and Events Manager – (Azra Mukadam)

Synopsis of report:

This report seeks authority to commence the process to increase the number of streets in which street trading is permitted to include Guildford Street, Chertsey

Recommendation(s):

The Corporate Head of Law and Governance be authorised to review the designation of licence streets in the borough pursuant to its powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

To proceed with public consultation to designate Guildford Street, Chertsey as a licence street to permit street trading.

1. Context and background of report

- 1.1 In 2021, the Chertsey Town Team and local businesses reported to officers, that they needed support to bring shoppers back into the town. The lack of footfall and vibrancy is a legacy from the covid pandemic and the impact from both hybrid working and online shopping popularity.
- 1.1 The most evident method identified to increase footfall to the area was to run regular events and markets in the town centres, drawing local people to the area and offering a wider range of goods.
- 1.2 A report was taken to the Environmental and Sustainability Committee (E&S Committee) in September 2021 to allow authority to develop street markets across the Borough's town centres with the first focus of development to be in Egham and to use this as way to further review opportunities for the rest of the Borough.
- 1.3 To add that, Egham is currently the only town that has permitted licenced streets to hold street markets making development easier to permit.
- 1.4 In March 2022, Officers briefed the E&S Committee on the progress of Egham market and that they were working on developing a variety of market offerings. Currently the market that was running in Egham was the vegan market.
- 1.5 Officers suggested that a review be reported back to the E&S Committee later in the year, whereby there should be sufficient outcomes from a breadth of markets held in Egham.
- 1.6 In November 2022, Egham Chamber of Commerce had introduced a new artisan market for the winter period. Officers were therefore unable to report back any progress to E&S Committee (in September 2022).

- 1.7 The winter markets proved to be a great success for Egham and the Chambers offered the market operator a regular market slot of 1st Saturday of each month from February 2023.
- 1.8 Egham markets are now well-established in the town's calendar and both market operators are happy working alongside the Egham Chambers to continue this work.
- 1.9 Both businesses and residents have received these events as a positive addition to the high street.
- 1.10 Market operators have reported that their traders and local businesses are building a cohesive partnership, both benefiting from the footfall.
- 1.11 Having demonstrated a thriving market in Egham, officers are committed to focusing their efforts to support Chertsey in developing a licenced street to accommodate future street trading, which includes street markets.
- 1.12 Chertsey is a priority area for the wider economic development strategy to levelling up Runnymede residents' pride in their local area. The objectives are to deliver improvements to Chertsey Town Centre. Chertsey will therefore be the focus for the investment to build '*pride in place*', as part of the Shared Prosperity Fund (SPF). Part of this proposal is to develop outdoor markets and events to build vibrancy and increase footfall and dwell time in the town centre.
- 1.13 Chertsey is a charter market town, which previously held a farmer's market (2006) which ran under a Charter granted by Elizabeth I in 1599, and just before the pandemic had a small market area on Windsor Street with a couple of traders providing pet food.
- 1.14 Windsor Street is the permitted location under the Charter to hold an outdoor market. However, Windsor Street's current infrastructure makes it impractical to host a safe environment that a street market requires.
- 1.15 Guildford Street currently allows for community events and street parades with a road closure request. It provides the ideal location for a street market as it is a one-way road and has access to other roads to divert traffic through the town.
- 1.16 Having demonstrated a safe and viable location with the recent trial market on May Day, Guildford Street showed minimum impact when closed off for the market. Businesses are still able to access the back of their shops through Heriot Road and Gogmore Road for both sides of shops. There was no major impact to road transport by this closure as adjacent roads are accessible in and out of Chertsey town.
- 1.17 It should also be noted that consent from the Trustees of the Charter, known as the Feoffees, will be required for any future markets to be held within six and two thirds miles of Chertsey. Officers have had discussions with the Feoffees, who are happy to give consent for markets to go ahead with the agreement that Market operators or traders contribute a fee.

2. **Report and, where applicable, options considered and recommended**

- 2.1 Addlestone Town Centre has potential to hold markets in front of the Civic Offices on Station Road. This area is not public highway and is owned by the Council, therefore, any street trader will require permission from the Council in addition to a street trading licence, should there be appetite for markets in the future.
- 2.2 The Council would have to take into account any restrictions affecting the land which would prevent the use of their land by the street trader.
- 2.3 Consideration to permitting licence streets in other parts of the borough like local centres and villages have also been reviewed. The main challenges that are faced by designating licensed streets in smaller and more localised centres are identified in the table below:

<ul style="list-style-type: none"> Commercial market traders must see a viable financial proposition to set up regular markets in a location. This requires a certain level of retail offer and footfall potential. Village and local centres, especially those within a short distance of a town centre are thus seen as less commercially attractive locations. 	<ul style="list-style-type: none"> The Economic Development Strategy identifies the need to support RBC's town centres as the main hubs for the borough's local economy. It is also part of the Government's key priorities to increase vibrancy and increase footfall of UK high streets.
<ul style="list-style-type: none"> SA lack of alternative diversion routes to redirect road traffic would result in disruption and would cause residents and visitors frustration which could result in negative publicity and reputational damage to the Council. 	<ul style="list-style-type: none"> Our villages and neighborhoods do not all have the infrastructure to accommodate a regular commercial market. For example, parking spaces for traders, narrow roads that cannot accommodate both foot traffic and stalls. Alternative parking areas for residents every month.

- 2.4 The report also sets out issues and processes that will have to be addressed if the Council were to seek to designate additional licensed streets. The Borough's three main town centre's have very differing characteristics. Each town's infrastructure has its advantage for visitors but also has its own challenges in relation to holding regular markets and events, Chertsey is the focus town for the purpose of this report:

Town:	Strengths	Weakness
Chertsey	<ul style="list-style-type: none"> Unique features and history of the town can influence bespoke market opportunities i.e. vintage market, artisan markets etc. 	<ul style="list-style-type: none"> Relationship with Sainsbury's could impact on where the market is held No obvious toilet facilities for traders No electric points for traders

	<ul style="list-style-type: none"> • Using the history of the town will benefit the appeal to visitors from outside the borough. • Feoffee's Charter allows for a market in Chertsey • Train Station is within walking distance of the main town • Road closures for Guildford St does not impact traffic, as alternative options are available 	<ul style="list-style-type: none"> • Loading and drop off points need to be considered • Concerns amongst some existing retailers that the markets do not occur weekly as could be direct competition • No drive through traffic opportunities to pick up passing traffic • Locating the right area for the market could be problematic • If road closure is needed, there may be implications to redirect traffic on Windsor St • Regular noisy events in one location may up-set residents
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2.5 In 2020, Officers carried out engagement directly with 30 businesses in Chertsey Town Centre as part of a wider borough scoping exercise on street markets. Feedback for Chertsey Markets was very positive. There were few concerns on street parking and how often a market would run. Consensus was, a monthly market in Chertsey would be seen as beneficial to the town's businesses.

2.6 Weekly markets were seen as less beneficial to the existing businesses as the market would then be directly competing with high street businesses.
(Survey available on request)

2.7 Council officers ran a trial event in May 2023 to demonstrate the impact of a street market on Guildford Street. The event was an overwhelming success with an estimated 2000 people attending the market throughout the day, with 29 stalls selling a variety of local supplied produce. The market operator reported a sellout day. The high street businesses that opened on the day also reported as being busy from the overflow of business through the market.

3. Policy framework implications

3.1 Corporate Business Plan 2022- 2026 The Council's Corporate Business Plan identifies five key objectives: climate change, empowering communities, health and wellbeing, economic development and organisational development.

- 3.2 In line with some of the key objectives, this report aims to further the aim of the climate change strategy through creating a greener environment and encouraging a circular economy whereby we source local, support more ethically focused trading through the street markets and antique style market events. Also encouraging localised events that people can cycle or walk to.
- 3.3 This report aligns objectives from the Economic Development Strategy 2022-2026 through objective 3 of *developing the vitality and vibrancy of our town centres and growing the tourism and leisure economy* by providing a wider range of shopping experiences to the community by way of offering markets in the town centres. Allowing visitors to spend time dwelling and spending locally through the partnership opportunity of town businesses and the market offerings.
- 3.4 By creating more *vibrancy and vitality of our town centres* we aim to reduce leakage spend to neighbouring boroughs. Regular street markets will encourage the community to interact with local traders and local retailers, allowing the opportunity to visit shops while attending the market.

National Planning Policy Framework

- 3.5 Section 7. of the NPPF '*Enhancing the Vitality of Town Centres*' paragraph 86. This report aims to work within the planning policy framework to promote town centres and to retain, enhance and create new opportunities where possible to support *promoting the vitality of town centres*.
<https://www.gov.uk/guidance/national-planning-policy-framework/7-ensuring-the-vitality-of-town-centres>

4. Resource implications/Value for Money (where applicable)

The proposed markets will impact on the following Council departments:

- 4.1 Legal – responsible for providing a Street Trading Licence to allow regular markets in Chertsey
- 4.2 Economic Development – Town Centre Management will be key in supporting the development of regular markets.
- 4.3 Environmental Services/Licensing – There are licensing issues around food hygiene and Licences will be required for the sale of alcohol and any kind of public entertainment. Licensing of alcohol and regulated entertainment is simply a case of submitting a Temporary Event Notice . This involves minimal resourcing from the Licensing and Environmental health Officers and is inexpensive at £21 per event.
- 4.4 Currently there has been no additional resources needed from Direct Services (DSO) Refuse, street cleaning and staff resources during market day. This will be reviewed at the end of the first year of this development.
- 4.5 Potential risks associated with more frequent markets are that there may not be enough demand to allow the traders to derive an income on a regular basis from the market, resulting in less interest from market operators to set up further markets.

5. Legal implications

- 5.1 Street trading is regulated through local authorities adopting provisions contained in Section 3, Schedule 4 Local Government (Miscellaneous Provisions) Act 1982. In summary those provisions say that unless you fall within certain exceptions if you offer something for sale in the street you are street trading. Local authorities can decide if they wish to prohibit or allow street trading in their area. If a local authority decides to allow street trading it can do so by designating a street in its area as either a consent or a licence street, the two are slightly different. A street market, involving the use of stalls can only take place in a location where street trading is permitted.
- 5.2 Runnymede adopted the powers contained in Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 many years ago. When it adopted those powers, it decided to only permit street trading in two locations in the borough, High Street and Station Road North, Egham.
- 5.3 Station Road North has now become part pedestrianised through the development of Magna Square.
- 5.4 Those two locations are what are termed 'licence streets' i.e. the Council can issue what is termed a street trading licence to permit street trading in those locations.
- 5.5 In September 2021, the Environment and Sustainability Committee granted Egham up to 24 street trading licences in a calendar year to be managed by the Egham Chamber of Commerce in addition to the street trading licences which are already authorised.
- 5.6 This report is proposing to extend the street trading licence to Guildford Street, Chertsey as a suitable place for further events and market opportunities to other parts of the borough.
- 5.7 It should also be noted that in Chertsey, the Feoffees (Trustees) of Chertsey Market hold Market Charter Rights granted by Elizabeth I in 1599, which avoid the need for a street trading licence in Windsor Street if regular markets are to be held here.
- 5.8 At common law, the Trustees of a Charter Market have the right to prevent any other market being held within six and two thirds' miles of their own market. The consent of the Feoffees was obtained for Egham Markets. Therefore, the consent of the Feoffees of Chertsey Market will be required for the street market to be held. The Charter Rights do not, however, extend to being able to close Guildford Street without an order by the appropriate authority.
- 5.9 Closure of Guildford Street could be secured by the Highway Authority using powers contained in the Road Traffic Regulation Act 1984. For a single special occasion, or a limited number, it is probably open to the Council to close Guildford Street under the powers contained in the Town Police Clauses Act 1847.
- 5.10 The proposal carries no financial implications for the Council unless it makes an Order for the closure of Guildford Street without reimbursement. The cost of this would be comparatively modest.

- 5.11 The legal process for the next stage of action will be based on firstly the Environment and Sustainability Committee and Full Council agreeing on the expansion. Should the recommendations be considered to expand licence streets to Guildford Street Chertsey, the report will grant authority to publish a Notice in a local newspaper stating that the Council intend at a future date to pass a resolution designating a particular street as a licence street.
- 5.11 The Notice must appear in a local newspaper for two consecutive weeks.
- 5.12 The Notice must explain that the public has 28 days to submit representations about the proposal to designate a street as a licence street.
- 5.13 A copy of the Notice must be served on the Police and Highway Authority at the same time as it is published.
- 5.14 At the expiry of 28 days a further report must go to Environment and Sustainability Committee and Full Council in which any representations are considered and if appropriate the necessary resolution to designate a street as a licence street is contained.
- 5.15 If the resolution is passed, then the designation only comes into effect on a day not earlier than one month after the day on which the resolution is passed i.e. if the resolution is passed on the 1st March 2023 then the street can only become a licenced street on the 1st April 2023.

6. Equality implications

- 6.1 The Council has a Public Sector Duty under the Equality Act 2010 to have due regard to the need to:
- a. Eliminate unlawful discrimination, harassment, or victimisation.
 - b. Advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it
 - c. Foster good relations between those who share a relevant protected characteristic and persons who do not share those characteristics.
- 6.2 An Equalities Impact Assessment was completed for the Economic Development Strategy (EDS) in April 2022. Increasing market and event activity within the Borough's towns directly relates to Priority three of the EDS which seeks to support the Borough's town centres.
- 6.2 A screening assessment has been undertaken in regard to this report, which has concluded that an equalities screening assessment is adequate at this stage. Attached at Appendix A

7. Environmental/Sustainability/Biodiversity implications

- 7.1 The Council's current terms and conditions stipulate that litter and rubbish should be removed by traders or market operators at the end of the day's trading. Furthermore, officers will continue to use their best endeavours to encourage localised walking or cycling to the town to attend the markets. Market operators already promote the markets on local social pages and resident groups to attract the local community

- 7.2 Moving forwards, to support the Council's wider response to climate change, officers propose to review the Council's market trading terms and conditions to consider the types of markets that are being developed in the towns. Markets could be required to demonstrate that they are working towards a more sustainable business model, for example only providing paper or recyclable bags to customers.
- 7.3 During this review process, officers will also consider, for example, whether amendments should be made to stipulate the types of products and equipment being used by markets, or to encourage local suppliers and/or the sale/display of local goods and produce where practical and feasible.
- 7.4 A report on the review of the market trading terms and conditions will be the consideration of a separate committee report, which will be brought through this committee at a later date (exact date to be confirmed).

8. **Timetable for Implementation**

Refer to points 5.10 to 5.14

9. **Conclusions**

In conclusion, this report presents an opportunity for regular annual markets to be held in Chertsey. The appetite is overwhelming from retailers and the market operator after a trial market day. Feedback from operators and businesses suggests that the local community and businesses on the high street benefit from the vibrancy and interaction in a safe and open setting. The town centre survey and the master plan review identify the benefits of street markets and events to town centres and a high street that under the current climate are suffering with the change of shopping habits.

(To resolve)

Background papers

Available on request