

## SECTION 1A - To be filled in by submitter of the Motion:

<b>Report from</b>	Town Clerk
<b>On behalf of</b>	N/A (but with information from Market Manager).
<b>Date</b>	18 <sup>th</sup> April 2024
<b>For Meeting of Council/Committee</b>	Full Council
<b>Date of meeting</b>	23 <sup>rd</sup> April 2024
<b>Agenda item no.</b>	12/24-25
<b>Confidentiality</b>	N/A
<b>TITLE OF MOTION</b>	<b>MARKET MANAGEMENT – UPDATE ON TERMS AND CONDITIONS FOR TRADERS</b>
<b>MOTION(S)</b>	<p>1) To receive a proposal to update section 24.2 of the <u>Terms and Conditions for Traders</u>, which expands on the inclement weather policy and procedures, and would allow traders to trade from their vans in case of gusty wind scenarios. This would also ensure continuity and consistency in market presence (motion paper attached).</p> <p>2) To approve the changes proposed to the Terms and Conditions.</p>
<b>Background</b>	<p>Following an initial version in 2023 (<a href="#">item 19/23-24, Personnel Committee 4<sup>th</sup> July 2023</a>), the Terms and Conditions for Traders who are trading on the Town Council's Weekly Sunday markets, was updated and approved through the Events and Markets Committee meeting held on 9<sup>th</sup> January 2024 (<a href="#">item 53/23-24</a>).</p> <p>Further to past cancellations for similar reasons, since the Market Manager has been in post, unseasonably stormy days resulted in the market having to be cancelled twice already, one in March and one in April 2024.</p>
<b>Issues/items for consideration by the Council</b>	<p>To ensure continuity and consistency in market presence, every week, the current Terms and Conditions for trading could be amended.</p> <p>The changed wording in below proposals expand the current inclement weather policy and procedures, allowing outdoor traders to trade from their vans (instead of gazebos or similar set ups only), in case of gusty wind scenarios.</p> <p>This would give reassurance and confidence to both traders and customers alike and would prevent further interruption of the gradual growth of the market.</p> <p>The Market Manager has enquired with a number of key traders and they would almost all make use of the alternative option where this is needed and would also be able to set themselves up in that manner.</p> <p>Enquiries through SCDC's Licensing Team have also made clear that trading out of a van would not change their definition of market trading on The Green and would not lead to any changes needed in terms of land use agreements and licensing already in place for the Town Council's market.</p> <p>The change being proposed is in section 24.2. Original wording can be found in the current version of the <u>Terms and Conditions for Traders</u>.</p> <p>The proposed new wording is as such:</p> <p><b>INCLEMENT WEATHER PROCEDURE; OPTION FOR TRADERS TO SELL FROM VEHICLES.</b></p> <p><b>24.2</b> The Market can safely trade at steady winds of up to 25 mph. If wind speeds, or GUSTS of wind, are predicted to reach 30 mph or above (as shown on the Met</p>

	<p>Office website) the Council will make the decision that the Market cannot go ahead operating out of Gazebos or any Market “Stall” structure.</p> <p><b>In such scenarios, the option will be given to all Traders to sell from their vehicles (outdoor market traders only). This option is being implemented to encourage Market continuity.</b></p> <p>If, on the WEDNESDAY before the following Sunday Market, the forecast is shown to be reaching Gusts of 30 mph or above on the next Market day, the Market Manager, or other Council representative, will contact ALL BOOKED IN OUTDOOR TRADERS to forewarn the Market may (subject to the Met Office forecast) operate out of Vehicles only, this is to give Traders time to consider whether they would want to trade from their vehicles, or not at all.</p> <p>A final decision will be made on the FRIDAY before the Market, by 12.00 noon latest if the Market is going ahead with Trading out of vehicles only. The Market Manager, or other Council representative, will contact all booked in Traders via email shortly after 12.00 noon to make them aware of the situation.</p> <p>REFUNDS; Northstowe Town Council will not normally operate a “refund” when this Procedure can be put in place as traders are still able to “Trade”. If traders feel trading from a vehicle is not an option, they need to make sure that they write to the Market Manager, stating their reasons; the Market team will review this.</p>
<b>Recommendations</b>	<p>For the Town Council;</p> <ol style="list-style-type: none"> <li>1) To receive a proposal to update section 24.2 of the <u>Terms and Conditions for Traders</u>, which expands on the inclement weather policy and procedures, and would allow traders to trade from their vans in case of gusty wind scenarios. This would also ensure continuity and consistency in market presence (motion paper attached). <ul style="list-style-type: none"> <li>➤ This motion paper.</li> </ul> </li> <li>2) To approve the changes proposed to the Terms and Conditions. <ul style="list-style-type: none"> <li>➤ Approval could be implemented immediately, through the Market Manager and their communications to traders.</li> </ul> </li> </ol>
<b>Appendices</b>	N/A
<b>Documents:</b>	N/A

**SECTION 1B - To be filled in by submitter of the Motion:**

<b>Input needed from Clerk?</b>	N/A
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**PLEASE NOTE:** Agenda item requests: in order to be considered for inclusion on the agenda, motions with all associated papers *must* be received by the Clerk in a final format at least 7 clear days<sup>i</sup> before the meeting at which you would like your item to be considered – if any input is required from the Clerk please provide sufficient additional time for the Clerk to schedule in for any feedback and/or additional research that may be required.

**SECTION 2 - To be filled in by the Clerk:**

Meets/links with Council objectives:	Market Development	√
Staffing Implications: <sup>ii</sup>	<b>YES</b> – Consistency in Sunday market delivery and staff input on the day; additional protocols for situations where gusty winds are predicted	←
Volunteer need implications:	N/A	

Equalities & Human Rights <sup>iii</sup>	There are no equalities and human rights issues Details, where relevant: N/A	
Crime and Disorder <sup>iv</sup>	Crime and disorder have been considered Details, where relevant: N/A	
Biodiversity <sup>v</sup>	There are no (negative) bio-diversity implications Details, where relevant: N/A	
Sustainability	Is in line with the Council's Plastic-Free Pledge – N/A	
Financial <sup>vi</sup>	There are no financial implications at this stage – N/A	
	There will be financial implications; Details: N/A	
	There is provision within the budget Budget heading & details: N/A	
	Decisions may give rise to additional expenditure; Details: Not expected	
	Decisions may have potential for income generation; Details: <b>YES:</b> <ul style="list-style-type: none"> <li>- Ensuring continuity of market and systematic, weekly presence, should help grow the market by giving traders and customers confidence;</li> <li>- Allowing traders to trade from vans would bring in trader fees on weeks which would otherwise not be received where markets are cancelled</li> </ul>	←
Other Resource implications (besides finance):	Details: N/A	
Health and Safety implications <sup>vii</sup>	Details: Risk Assessment for the market is to be updated accordingly.	←
Legal	Power under which the spend can be actioned: <sup>viii</sup> N/A	
	GDPR - Data Privacy Impact Assessment: <sup>ix</sup> Details, where relevant: N/A	
	Other considerations:	
Risk Management	Material risks <sup>x</sup> exist and these are considered and being assessed: Details: N/A (road closure and related mitigation measures are already in place, and currently not expected to need any further measures for trading out of vans.	√
Other Considerations:	N/A	

<sup>i</sup> Northstowe Town Council's [Standing Order 9 b,d](#).

<sup>ii</sup> The Council has a legal duty to ensure it looks after employees' health and wellbeing (the Health and Safety at Work etc act 1974).

<sup>iii</sup> The key legislation regarding unlawful discrimination is the Equality Act 2010, which amongst other requires the Council to monitor for compliance with the Equality Duty.

<sup>iv</sup> The Council has a legal duty to act with due regards to crime and disorder in the area (Crime and Disorder Act 1998, s17).

<sup>v</sup> The Council has a legal duty to have regard to conserving biodiversity (Natural Environment and Rural Communities Act 2006, s40).

<sup>vi</sup> It is the RFO's duty to manage financial risks on behalf of the Council, as described in the Local Audit and Accountability Act 2014 and Accounts and Audit Regulations 2015, reg 4.

<sup>vii</sup> See also Town Council's [Health and Safety Policy](#).

<sup>viii</sup> See here for an [Overview of relevant discretionary powers](#) beyond the General Power of Competence.

<sup>ix</sup> See also the Town Council's [Data Protection Policy](#).

<sup>x</sup> See Town Council's [Risk Management Plan](#).