



## Regulatory Panel

<b>Date:</b>	<b>Wednesday, 30 June 2021</b>
<b>Time:</b>	<b>3.00 p.m.</b>
<b>Venue:</b>	Floral Pavilion, Marine Promenade, New Brighton

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## AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Panel are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

**2. APPLICATION FOR A MARKET RIGHTS LICENCE (Pages 1 - 6)**

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## REGULATORY PANEL

30 JUNE 2021

<b>REPORT TITLE</b>	<b>APPLICATION FOR A MARKET RIGHTS LICENCE</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### REPORT SUMMARY

The purpose of this report is to enable the Panel to consider an application for a Market Rights Licence. The application is made by the Woodside Area Community Interest Company ("CIC") and relates to land at Woodside Ferry Village, adjacent to Woodside bus station.

### RECOMMENDATION/S

The Regulatory Panel is asked to consider an application for a Market Rights Licence to allow a permanent market to take place at Woodside Ferry Village.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 As the request is for a Permanent Market Licence it is a requirement for the Regulatory Panel to determine the application.

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 The options available to the Panel are to grant Woodside Area CIC a Market Rights Licence or to decline to grant such a licence. If the Panel chooses to grant a Markets Rights Licence it can do with conditions and may also charge an issue payment representing compensation to the Council for the use of its Charter Rights.
- 2.2 It should be noted that the Council's Commercial Team has not suggested that an issue payment should be levied in this case. If this market is a commercial success and the applicant applies to renew the licence upon its expiry, an issue payment could be considered at that point.

### 3.0 BACKGROUND INFORMATION

- 3.1 The Council acquired Birkenhead Market and the associated Charter Rights to hold a market on 2 February 2019. These Charter Rights give the Council the exclusive right to markets and fairs within the common law distance of  $6 \frac{2}{3}$  miles from the boundary of Birkenhead Market ("Charter Area"). The Council currently owns and operates Birkenhead Market in addition to retaining the Charter Rights. These Charter Rights can be used by the Council to manage markets and fairs that take place within the Charter Area. The controlled use of markets can encourage economic and social benefits within communities whilst preventing abuse or over saturation.
- 3.2 The applicant, Woodside Area CIC was established by the Wirral Chamber of Commerce with the objectives to:
- Carry out activities which benefit the community;
  - Provide 'meanwhile' space with a view to regeneration in the Woodside Area;
  - Benefit inhabitants of the Woodside and surrounding area (including potential job creation, regeneration, support for projects and events that promote economic growth);
  - Support small business and 'start up' companies;
  - Promote a sustainable and environmentally friendly area to attract visitors;
  - Foster networks, collaborations and cluster activities between sectors, businesses, and the community.
- 3.3 Woodside Area CIC has recently identified the opportunity to expand their food and beverage offer at Woodside Ferry Village to include retail units located outside on land adjacent to the Ferry Terminal Building. The application for a Market Rights Licence follows their bid through the Town Deal fund to extend their activities and deliver a retail offer on this under-utilised land.
- 3.4 Woodside CIC is proposing that products sold are limited to those that are made or created by the sellers. This will ensure that the offer is different to that of Birkenhead Market which has a more varied offer. Further to this, sellers from the chalets will not be able to secure a long-term licence or pitch and will be able to trade for no more than one week at a time and limited to four times per year.

- 3.5 It is initially proposed that the chalets will be open on Thursday to Sunday increasing to seven days a week through the school holidays.
- 3.6 The chalets will be located on Council owned land so it has been provisionally agreed that Woodside Area CIC will occupy the land on a two-year lease at a peppercorn rent. The lease will be contracted out of the provisions of the Landlord and Tenant Act so will not provide Woodside Area CIC with automatic rights to renew.
- 3.7 Woodside Area CIC sought to commence their activity from 1 May 2021 to take advantage of the May bank holiday weekend. Whilst the arrangements are being put in place to agree the 2-year lease, a temporary licence was granted under delegated authority to cover the activities that took place during the weekend of 1-3 May and then subsequently for the later Bank Holiday weekend of 29-31 May 2021 and the four weekends of June 2021.
- 3.8 The granting of a Market Rights Licence does not remove the requirement for an applicant to obtain any other permission such as planning permission, landowner consent or other licensing requirements.
- 3.9 The application for a Market Rights Licence is as follows:

**Permanent Market Licence:**

Sunday to Saturday 11:00 to 19:00

The applicant has indicated that traders will set up from 09:00 and the site will be clear no later than 20:00.

**Duration of Licence:**

1 May 2021 to 30 April 2023

- 3.10 The applicant has indicated that its normal operating days will be Thursday to Sunday for 36 weeks of the year and Sunday to Saturday for 16 weeks of the year covering school holidays.
- 3.11 The application is to allow the operation of 20 wooden chalet style units selling artisan products. Artisan produce is defined to be that which is:
- Made, grown or created within the premises of the seller;
  - small scale in production;
  - handcrafted using traditional methods; and
  - unique and made with creative input.
- 3.12 A copy of the plan of the proposed area to be licensed is attached at Appendix 1.

**4.0 FINANCIAL IMPLICATIONS**

- 4.1 The funding for this scheme has been secured via MHCLG's Town Deal Accelerator Grant. Failure to grant permission for the market to take place in this area will impact on the implementation of the scheme subject to this funding.

**5.0 LEGAL IMPLICATIONS**

- 5.1 A market is a legally defined term which includes any concourse of buyers or sellers of five or more trading spaces.
- 5.2 The proposed location for the 20 retail chalets is within the area covered by the Birkenhead Market Charter and, as such, requires the consent of the beneficiary to the charter, currently that beneficiary is the Council. The source of the Council's Charter Rights is The

Birkenhead Improvement Act 1833 although there is evidence suggesting the original grant dates back to 1266.

5.3 Planning consent was granted on 1 June 2021 for the siting of the chalets to the external area west of Woodside Ferry Terminal.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 There are no IT or staffing implications arising from this report.

## **7.0 RELEVANT RISKS**

7.1 Should the licence not be granted the opportunity to bring about short-term regeneration to this area, delivered by the community interest company leading on such change, will not be possible.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Consultation in relation to this application has been undertaken with the following stakeholders:

- Local Planning Authority
- Environmental Health
- Asset Management
- Highways
- Birkenhead and Tranmere Ward Councillors
- Culture Team
- Commercial Team

8.2 In response to the consultation, no concerns have been raised by any of the above stakeholders.

## **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 The potential impact has been reviewed with regard to equality and links to the existing EIA conducted for Wirral's Growth Plan. No changes were made to the EIA as a result of this report.

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2014-0>

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 The recommendation has limited implications on the environment and climate. The infrastructure proposed to be located on the site will be temporary in nature and made from natural materials (wood).

10.2 The location is well served by public transport being sited adjacent to Hamilton Square Railway Station and the Woodside Ferry Terminal. It is also located adjacent to the Wirral Coastal Path. Visitors to the market will be encouraged to travel by sustainable means.

10.3 The content and/or recommendation contained within this report are expected to have no impact on emissions of greenhouse gasses.

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**APPENDICES**

- Appendix 1 - Plan of proposed licensed area

**BACKGROUND PAPERS**

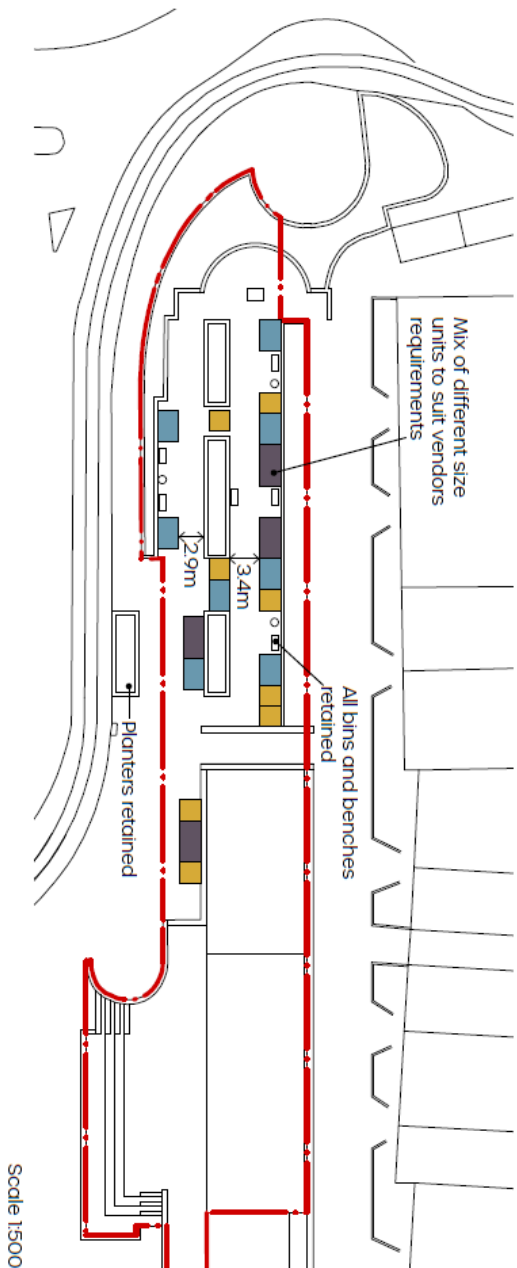
- Application for a Market Rights Licence

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>

# Proposed | Plan Layout

Landscaping:  
All existing hard landscaping, soft landscaping, bins, benches, heritage features etc have been retained in situ.



- KEY**
- 8 no. 8 ft x 8 ft units
  - 8 no. 8 ft x 12 ft units
  - 4 no. 8 ft x 16 ft units
- Total no. 20 retail units