

EXECUTIVE MEMBER DECISION FORM

DECISION TO BE TAKEN BY: Councillor Tony Jones

KEY DECISION NO

PORTFOLIO AREA: Regeneration & Growth

PORTFOLIOS AFFECTED: Regeneration & Growth

WARDS AFFECTED: Birkenhead

SUBJECT: Birkenhead Market Halls Rental Support

1.0 RECOMMENDATION:

It is recommended that:

1. Essential and non-essential traders be granted a 50% discount on their rent charges for the period 20th June 2020 until 20th September 2020.
2. Traders who are unable to trade due to HM Government instruction continue not to be charged rent until they are able to trade. At the point they are advised they can trade by HM Government such traders be granted a 50% discount on their rent charges until 20th September 2020.

2.0 REASONS FOR THE DECISION

- 2.1 On 23rd March during a televised address, the Prime Minister announced a UK-wide partial lockdown which instructed the British public to stay at home other than to leave the house to shop for basic necessities.
- 2.2 On 24th March 2020 the Leader of the Council delegated authority to the Head of Paid Service and Directors to take any action that that officer considers is reasonably necessary to protect the health, safety or welfare of individuals'; or is 'in furtherance of the [executive] priorities of
 - (i) preservation of life;
 - (ii) supporting the vulnerable;
 - (iii) safeguarding children; and
 - (iv) aiding the Borough's businesses and economyduring this period that contingency planning is required to respond to an emergency situation and manage the effects of a covid-19 epidemic'
- 2.3 On the 26th March restrictions came into force which restricted non-essential retail. This led to the closure of Birkenhead Market with the exception of the Country Produce section, which sells fresh foods. As a result the Council's Tactical Command

Group (TCG) recommended the suspension of market trader rents for a period of three months.

- 2.4 The decision was therefore taken under the delegated authority given by the Leader to grant market traders a rent free period from 20th March 2020 to 20th June 2020. Traders received communication to this effect and were advised this did not affect their lease and tenancy arrangements.
- 2.5 On 25th May the Prime Minister announced; that from 1st June 2020 Outdoor Markets could resume trading as soon as they are able to meet Covid-19 Secure guidelines to protect shoppers and workers. Further advice provided for Indoor Markets to commence operation from 15th June 2020 for non-essential retail on the basis that the governments 5 tests continued to be met. This phase will not include traders such as hairdressers, barbers, café seating and tattooists which will all remain closed.
- 2.6 At the TCG meeting of 9th June 2020 it was recommended that Birkenhead Market progressed with a targeted re-open date of the 15th June 2020 for indoor and outdoor markets. This followed work by officers to ensure the market could operate safely in concordance with COVID-19 Secure guidelines. Guidance from NABMA the body for the National Association for British Markets has also been considered.
- 2.7 Financial support has been available to market traders throughout the closure period in addition to rent suspension arrangements, across a variety of national and local schemes. To support the successful re-opening of Birkenhead Market a re-opening high street safely grant application is being progressed.
- 2.8 Birkenhead Market, in line with Public Health guidance will operate social distancing and the market may have to limit access based on visitor numbers. Additionally, it is envisaged that as the Borough moves out of lockdown, we will see a cautious return from Customers to the high-street and market.
- 2.9 HM Government have been clear that subject to the 5 tests as set out in the 'Plan to Rebuild' COVID-19 recovery strategy, not being met, then changes to the alert level may see local, regional or national lockdown instruction. This could lead to a further temporary closure of the market. To support traders through this unique and challenging period the Council proposes a phased re-introduction of rental charges from 20th June 2020. This phasing would see:
 - Essential and non-essential traders provided with a 50% discount on their rent charges for the period 20th June 2020 until 20th September 2020.
 - Traders who are unable to trade due to HM Government instruction (café's, tattoo parlours etc) would see no charge until they are able to trade. At the point they are advised they can trade by HM Government they would be provided with a 50% discount until no later than 20th September 2020.
- 2.10 The financial impact in revenue terms to the Council would be £69,000 (in year) based on current trader numbers. The re-introduction of other traders by HM Government consent would reduce the financial impact.

2.11 The Council would mitigate the financial impact of the rent reduction through the offset of costs against COVID-19 financial support received from HM Government. This support is limited to COVID-19 costs and burdens.

3.0 STATEMENT OF COMPLIANCE

3.1 The recommendations are made further to legal advice from the Deputy Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been completed. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

4.0 DECLARATION OF INTEREST

4.1 None

<p>Signed: A.J.Jones</p>  <p>Executive Member: Cllr Tony Jones</p> <p>Date: 15\06\20</p>	<p>Signed: Tim Games</p> <p><i>Tim Games</i></p> <p>Chief Officer: AD Major Programmes & Assets</p> <p>Date: 15/6/20</p>
<p>Date of Senior Policy Team Meeting(s):</p>	

A list of background papers on this issue is held with:

Contact Officer: Tim Games
Date: 10/6/20

Date of Publication:
Date of Expiry of Call-In Period:

REPORT TITLE	Birkenhead Market Halls Rental Support
REPORT OF	Chief Officer: AD Major Programmes & Assets

Councillor Tony Jones, Portfolio Holder Regeneration & Growth said:

‘Birkenhead Market has a huge role to play in the future of the town centre as we look towards the huge regeneration plans we have through the Wirral Growth Company.

‘For more than a century the market has been the beating heart of Birkenhead and we cannot allow the impact of coronavirus to stop it in its tracks.

‘It’s essential the council does everything it can to not only help traders survive this difficult time, but thrive as we begin to return to some kind of normality – and I hope the latest reduction in rent will provide a little relief as traders return to work.

‘I’m so grateful to the traders for their patience and understanding during this difficult time as we have been working to support them and allow them to reopen safely.’

REPORT SUMMARY

This report sets out the rationale for a phased rent re-introduction to Market Traders operating from Birkenhead Market.

This decision effects the Traders and operation of Birkenhead Market within the ward of Birkenhead and Tranmere.

The recommendation supports the Wirral Council Plan 2025 to support Business.

RECOMMENDATION/S

It is recommended that:

1. Essential and non-essential traders be granted a 50% discount on their rent charges for the period 20th June 2020 until 20th September 2020.
2. Traders who are unable to trade due to HM Government instruction continue not to be charged rent until they are able to trade. At the point they are advised they can trade by HM Government such traders be granted a 50% discount on their rent charges until 20th September 2020.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To support the return to trading of Market Traders at Birkenhead Market.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Two other options have been considered:

A) To extend the rent-free period for all traders (From 20th June 2020).

This was discounted on the basis that following the relaxation of lockdown trading arrangements can commence and the costs of operating the market require financial support.

B) To offer no phasing to the re-introduction of charges. This would see a move to full charge from 20th June 2020.

This was discounted on the basis that trading conditions are likely to be challenging, and would not mitigate the risk of Traders closing down.

3.0 BACKGROUND INFORMATION

- 3.1 On 23rd March during a televised address, the Prime Minister announced a UK-wide partial lockdown which instructed the British public to stay at home other than to leave the house to shop for basic necessities.
- 3.2 On 24th March 2020 the Leader of the Council delegated authority to the Head of Paid Service and Directors to take any action that that officer considers is reasonably necessary to protect the health, safety or welfare of individuals'; or is 'in furtherance of the [executive] priorities of
- (i) preservation of life;
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- during this period that contingency planning is required to respond to an emergency situation and manage the effects of a covid-19 epidemic'
- 3.3 On the 26th March restrictions came into force which restricted non-essential retail. This led to the closure of Birkenhead Market with the exception of the Country Produce section, which sells fresh foods. As a result the Council's Tactical Command Group (TCG) recommended the suspension of market trader rents for a period of three months.
- 3.4 The decision was therefore taken under the delegated authority given by the Leader to grant market traders a rent free period from 20th March 2020 to 20th June 2020. Traders received communication to this effect and were advised this did not affect their lease and tenancy arrangements. On 25th May the Prime Minister announced;

that from 1st June 2020 Outdoor Markets could resume trading as soon as they are able to meet Covid-19 Secure guidelines to protect shoppers and workers. Further advice provided for Indoor Markets to commence operation from 15th June 2020 for non-essential retail on the basis that the governments 5 tests continued to be met. This phase will not include traders such as hairdressers, barbers, café seating and tattooists which will all remain closed.

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- 3.9 To support traders through this unique and challenging period the Council proposes a phased re-introduction of rental charges from 20th June 2020. This phasing would see:
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4.0 FINANCIAL IMPLICATIONS

- 4.1 The financial impact in revenue terms to the Council would be £69,000 (in year) based on current trader numbers. The re-introduction of other traders by HM Government consent would reduce the financial impact.
- 4.2 The Council would mitigate the financial impact of the rent reduction through the offset of revenue loss against COVID-19 financial support received from HM Government. This support is limited to COVID-19 costs and burdens

5.0 LEGAL IMPLICATIONS

5.1 Market traders are legally obliged to pay rent to the Council in accordance with the terms of their lease agreement. Notwithstanding this the Council can resolve in exceptional circumstances to agree to waive rent for market traders, either fully or partially given the circumstances arising from the Covid 19 pandemic.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 The proposals can be implemented using existing resources.

7.0 RELEVANT RISKS

7.1 This initiative is recommended to mitigate risks related to Traders abandoning the market What impact does this have for the council?

8.0 ENGAGEMENT/CONSULTATION

8.1 The Market Manager has discussed the return to trading with Market traders. Any financial support to assist with the recommencement with trading is welcomed.

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.

(b) No because there is no relevance to equality.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The content and/or recommendations contained within this report are expected to:

Support traders to operate resulting in a return to energy usage levels as seen prior to Covid-19.

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APPENDICES

N/A

BACKGROUND PAPERS

N/A

SUBJECT HISTORY (last 3 years)

Council Meeting	Date