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REGULATORY PANEL

Wednesday, 30 June 2021

Present: Councillors A Hodson (Chair)
D Burgess-Joyce
C Jones
S Jones
D Mitchell

17 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were 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.

Councillors A Hodson, D Mitchell and D Burgess-Joyce declared a non pecuniary interest in item 2 – Application for a Market Rights Licence, by virtue of being Members of the Economy, Regeneration and Development Committee (minute 55 refers).

18 APPLICATION FOR A MARKET RIGHTS LICENCE

Councillors A Hodson, D Burgess-Joyce and D Mitchell declared a non pecuniary interest in this matter by virtue of being Members of the Economy, Regeneration and Development Committee (minute 54 refers).

Members of the Regulatory Panel considered an application for a Market Rights Licence. The application had been made by the Woodside Area Community Interest Company (“CIC”) and related to land at Woodside Ferry Village, adjacent to Woodside bus station. If granted, this would allow a market to take place at Woodside Ferry Village for a period of no more than two years.

The Licensing Manager advised that the options available to the Panel were to grant Woodside Area CIC a Market Rights Licence or to decline to grant such a licence. Should the Panel choose to grant a Markets Rights Licence it could do so with conditions and may also charge an issue payment representing compensation to the Council for the use of its Charter Rights. The Council’s Commercial Team had 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.

The Licensing Manager informed Members that 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 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.

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.

Woodside Area CIC had 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 followed their bid through the Town Deal fund to extend their activities and deliver a retail offer on this under-utilised land.

It was proposed that products sold would be limited to those that are made or created by the sellers. This would ensure that the offer would be different to that of Birkenhead Market which has a more varied offer. Further to this, sellers from the chalets would not be able to secure a long-term licence or pitch and would be able to trade for no more than one week at a time and limited to four times per year.

It was initially proposed that the chalets would be open on Thursday to Sunday increasing to seven days a week through the school holidays. The chalets would be located on Council owned land so it had been provisionally agreed that Woodside Area CIC would occupy the land on a two-year lease at a peppercorn rent. The lease would be contracted out of the provisions of the Landlord and Tenant Act so would not provide Woodside Area CIC with automatic rights to renew.

Woodside Area CIC sought to commence their activity from 1 May 2021 to take advantage of the May bank holiday weekend. Whilst the arrangements were being put in place to agree the 2-year lease, a temporary licence had been 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.

In determining the matter, whilst Members had concerns in respect of the sensitivities surrounding Birkenhead Market, they supported the application as they believed it would benefit Birkenhead and assist economically creating further employment. In coming to their decision, Members of the Regulatory Panel paid particular attention to paragraph 3.11 of the report which stated that the application was to allow the operation of 20 wooden chalet style units selling artisan products defined as:

- 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.

Resolved –

- (1) That the application for a Market Rights Licence be granted with reference to the plan as applied for as follows:**

Permanent Market Licence:

Sunday to Saturday 11:00 to 19:00

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

- (2) The 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) That the application is to allow the operation of 20 wooden chalet style units selling artisan products**
- (4) That officers in Regeneration be informed of the decision of this Panel.**

