

Bath & North East Somerset Council

DECISION MAKER:	Cabinet	
DECISION DATE:	10th July 2013	
TITLE:	Guildhall Market Christmas Market	EXECUTIVE FORWARD PLAN REFERENCE: E 2578
WARD:	ABBEY	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 The report is presented for Cabinet to consider the Council (as landowner) to allow permission to run a market in the Guildhall Car Park for the period of the Christmas Market.

2 RECOMMENDATION

The Cabinet is asked to:

- 2.1 Consider this report and delegated the authority to the Chief Property Officer, for 2013 and in future years (if required), to decide whether to allow a market to be held in the Guildhall Car Park to run concurrently with the period of the Christmas Market, plus two additional days prior to and one day after the Guildhall Christmas Market for setting up and dismantling.
- 2.2 If consent is given to the use of the car park for this purpose it is suggested that consent is given subject to the following conditions:
- (a) that any proposed variations to the format of the market from that held in December 2009 are delegated to the Chief Property Officer.
 - (b) that Planning Permission and all other statutory consents are obtained and all conditions (if any) are complied with fully before the market is set up.
 - (c) that all necessary street trading licenses are obtained before the market is set up.
 - (d) that each year an operator, on behalf of the Guildhall Market Traders Association (GMTA), enter a licence with the Council covering their use of the car park documenting the term and agreed covenants and obligations of each party.

- (e) that appropriate alternative arrangements are made for users of the displaced parking spaces for the disabled.
- (f) that if in any year any operational issues arise that are not resolved to the satisfaction of the Chief Property Officer, especially the handling of refuse, then the Council reserves the right to withdraw permission to use the car park.
- (g) that if the Christmas Market does not operate the Council reserves the right to withdraw permission to use the car park.
- (h) that if the Grand Parade and Undercroft project results in the market not being able to operate, the Council reserves the right to withdraw permission to use the car park.
- (i) that the issue of who operates the market is delegated to the Chief Property Officer to determine.

3 FINANCIAL IMPLICATIONS

- 3.1 An operator, on behalf of the GMTA (as a financial entity), will be required to pay a licence fee which will defray any loss of income to the Council arising from the use of alternative car parks by users of the Guildhall car park.
- 3.2 On the basis that the operator reimburse the Council for any additional costs incurred through the intensification of the use of facilities provided in the running of the Guildhall Market such as refuse collection, there will not be any financial implications to the Council. The operator will reimburse the Council for any management costs incurred in the preparation of the licence and any operational issues that arise during the period of the market.

4 CORPORATE PRIORITIES

- 4.1 Allowing the car park to be used as a temporary market, during the Christmas Market period, links directly to the Council's Vision and Objectives set, giving support to a number of independent businesses.

Vision:

With Unique places and beautiful surroundings - Have a strong economy promoting local businesses

Objectives:

Building stronger community - With strong local business sector, tourism, and local shopping

The market is a discreet part of Bath's retail offer, supplying many local shopping needs in the city which are not available elsewhere. The market is situated in the Guildhall complex and suffers from a lack of visibility as signage to the listed structure is limited. The increased footfall from the Christmas Market helps to sustain the viability of the businesses in the market throughout the year and assists with raising the profile of the Guildhall Market for both local residents and visitors.

The income from the Christmas Market has resulted in a continual increase in profits held by the GMTA over the last few years, for reinvestment in the Guildhall Market.

5 THE REPORT

- 5.1 The Christmas Market has been held in Kingston Parade in front of Abbey Chambers since 2000. In 2004 the market was extended to the Guildhall car park but Bath Tourism Plus who organised it found that it was not financially viable to run although it had attracted increased footfall to the Guildhall market.
- 5.2 Consent has been given, since 2005, to the GMTA to hold the market in the Guildhall car park for the period of the Christmas Market. There were a number of operational difficulties particularly in setting up the market but it did generate increased footfall in to the Guildhall market.
- 5.3 In 2006 the GMTA again sought consent to hold a market in the Guildhall car park for the period of the Christmas Market. Proposals designed to overcome the operational difficulties experienced in 2005 were put forward and the Executive granted consent for the market to be held in the car park.
- 5.4 Since 2006, the market has been operated by Mike Watts (the operator) on behalf of the financial body that is the GMTA. The licence to operate the market has been granted directly to him, although the licence fee and associated costs have been paid by the GMTA.
- 5.5 The format of the market in 2006 was successful in overcoming the operational difficulties experienced in previous years and in the seven years that the market has been running since very few complaints or issues have been experienced. No operational issues were raised during the 2012 market. The operator has improved their management and relationships with the neighbouring residents and businesses, and now operates a successful market.
- 5.6 The provisional dates for the Christmas Market in 2013 are 28 November and 15 December, which is subject to licensing approval. The intention is for the Guildhall Market Christmas Market to run concurrently every year.
- 5.7 The four car parking spaces immediately to the left of the entrance to the car park were not included in the letting and were reserved for the Chairman of the Council, the Mayor and for use by people with a disability.
- 5.8 Adjoining occupiers were notified of the proposals in advance and no complaints have been received from them about the operation of the market.
- 5.9 In January 13, a meeting was held with Bath Tourism Plus (BTP) to continue improving relationships and working arrangements between the Guildhall Christmas Market and the Christmas Market. Throughout the course of 2013, the two operators will work together with the aim of creating joint marketing, both prior and during the period of the market. BTP have confirmed that they have no intention of operating the market within the Guildhall car park for 2013.
- 5.10 Prior to drafting this report, consultation with traders within the Guildhall Market and written comments were received from one trader. These included:
 - the proposal to invite other parties to operate the market, including BTP.

As stated above BTP are unwilling to take on the operation and the decision to grant the licence will be delegated to the Chief Property Officer, which itself will address the issue of tendering.

- the opening hours being amended.

The opening hours of the Guildhall Market during the Christmas period have been subject to significant consultation with traders over the years. The current approach taken is a compromise that is generally accepted by the majority of the traders and there is no intension to vary this further.

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 An Equalities Impact Assessment has not been conducted as this is a longstanding relationship with the operator and all measures have been put in place to accommodate people with a disability. These arrangements will continue to be implemented for future markets.

8 RATIONALE

- 8.1 A market has been held in the car park for the period of the Christmas Market for the last nine years with planning permission being obtained each year and the Council's consent as landowner sought initially on each separate occasion and most recently for a three year consent, expiring in 2012.
- 8.2 The car park is in a sensitive location surrounded by listed buildings including residential accommodation in the Empire and offices including the register office in the Guildhall itself. There is a public footpath through the car park which is now closed overnight during the market, after receiving statutory consents each year, and there is parking and access for the disabled.
- 8.3 The Guildhall market traders seek the opportunity to use the car park during the period of the Christmas Market as a means of generating extra footfall and business into the Guildhall market.
- 8.4 The format of the market since 2006 demonstrates that the operator has found a successful sustainable format in which to operate the market and which addresses the sensitivities of the site as outlined in 8.2.
- 8.5 As a successful format has been identified it is considered appropriate to grant permission to the use of the car park for the following three years rather than consider the request on an annual basis, subject to the conditions outlined in 2.2.

9 OTHER OPTIONS CONSIDERED

- 9.1 None

10 CONSULTATION

10.1 Ward Councillors; Leader of the Council; Cabinet Member for Community Resources; Section 151 Finance Officer; Chief Executive; Monitoring Officer

10.2 Consultation was conducted by email.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Property

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Strategic Director - Support Services) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Mike Dawson, Group Manager (Commercial) 01225 39 6093
Background papers	None
Please contact the report author if you need to access this report in an alternative format	