


<b>Cabinet</b>  <b>10 July 2024</b>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Simon Baxter, Corporate Director Communities	<b>Classification:</b> Open (Unrestricted)
<b>Markets Designation</b>	

<b>Lead Member</b>	<b>Councillor Shafi Ahmed, Cabinet Member for Environment and the Climate Emergency</b>
<b>Originating Officer(s)</b>	Ashraf Ali, (Interim Director Public Realm) Damian Patchell (Street Trading & Markets Manager)
<b>Wards affected</b>	Shadwell Spitalfields & Banglatown Weavers
<b>Key Decision?</b>	No
<b>Reason for Key Decision</b>	N/A
<b>Forward Plan Notice Published</b>	11/06/24
<b>Exempt information</b>	N/A
<b>Strategic Plan Priority / Outcome</b>	<b>Priority 4: Boost culture, business, jobs and leisure</b>

### **Special circumstances justifying urgent consideration / Reasons for Urgency**

This report was not published by the statutory deadline as due to the unavoidable rearranging of the Full Council meeting, administrative processes had to be shortened and it did not prove possible to complete for this report in time for the initial agenda publication. It is important that this report is considered at this meeting as it will inform the Mayor and Cabinet's decisions to ensure key administration priorities are met.

### **Executive Summary**

The council undertook consultation on a proposal to alter the pitch sizes at three locations: Whitechapel, Watney & Columbia Road. In addition, at Columbia Road

there was an additional proposal to extend the market area from Ravenscroft Street to Gosset Street.

This report identifies the rationale for the proposals consulted on, the results of the consultation and the recommended action following consultation.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Note the report;
2. Recommend that full Council agrees the markets improvements

**Columbia Road Market** – The proposal is to make permanent the temporary measures put in post-Covid:

- officially increase the pitch size to 3mx3m from something that traders have been using for more than six years.
- Make permanent the layout that has been used since reopening after Covid. This means all pitches on the north side and extended from Ravenscroft to Barnet Grove, with market parking on both side of Barnet Grove and one side of Chambord.

#### **Watney Market**

- to carry out further engagement with market traders around the use of the gazebos at a later date.
- to delegate the adoption of the new pitch size of 3m x 3.81m decision on gazebos to the Corporate Director depending on the results of engagement exercise.

#### **Whitechapel Market**

- officially designate the area that traders have been using for many years to make the official designated pitch size the one currently marked by red line, 2.57m width x 4.5m depth.

## **1 REASONS FOR THE DECISIONS**

- 1.1 The decision will support the current traders but also help to future proof each Market for future generations.
- 1.2 At Columbia Road it will enable a safe environment for visitors and traders alike and solve a key challenge highlighted by the Columbia Road Action Plan (Tower Hamlets 2022-2027 Markets Improvement Plan) with respect to the restrictive market layout.
- 1.3 At Watney it will solve the challenge of the environment and look of the market area, by enabling the use of new stalls that will be confined to the

trader's pitch size. This was highlighted in the Watney Action Plan from the Tower Hamlets 2022-2027 Markets Improvement Plan.

- 1.4 At Whitechapel it will enable us to deliver a key part of the Whitechapel Action plan improved trader facilities in the form of new stalls with no detriment to the space being used by the traders.

## **2 ALTERNATIVE OPTIONS**

- 2.1 "Do nothing" option. The council could choose not to make any changes and keep the status quo. This is not recommended because it leaves the council open to challenge. For Columbia Road market, this could mean 50% of traders losing their licence and could force the closure of the market on health and safety grounds.

## **3 DETAILS OF THE REPORT**

- 3.1 Tower Hamlets boasts some of the most iconic and internationally renowned street markets in London. Under the Local London Authorities Act 1990, councils must licence individual parts of the highway, also known as designation. These are usually single stalls, or clusters of stalls in markets.

### **Consultation proposals and responses**

- 3.2 As part of our support package for markets and traders, the council undertook consultation on a proposal to increase the designated pitch sizes at three locations Whitechapel, Watney & Columbia Road. In addition, at Columbia Road there was an additional proposal to extend the market area from Ravenscroft Street to Gosset Street. These proposals were carried out in accordance with the statutory requirements under sections.24 and 27 of the London Local Authorities Act 1990.
- 3.3 **Whitechapel Market** – The proposal is to officially designate the area that traders have been using for years to take the official designated pitches from "red line" to "red Line". All traders on Whitechapel market were consulted.
- 3.4 No market traders responded to the survey, this is not surprising as we are looking to officially designate space traders claimed some time ago so they will not necessarily felt the need to participate.
- 3.5 **Watney Market** – The proposal is to increase the width of the pitch to 3m from 2.74m to enable traders to use the Gazebos that had been ordered for them. All traders on Watney market were consulted.
- 3.6 Disappointingly no market traders responded to the consultation, but it only impacts them positively so is not a surprise.

3.7 Officers found that the gazebo solution was not universally positively received by traders. This is due to the length of time it has taken to make these changes due to the issues discovered at Watney with water penetration and the subsequent extensive works taking place.

- to carry out further engagement with market traders around the use of the gazebos at a later date.
- adopt the new pitch size should there be a positive response from that engagement.

3.8 **Columbia Road Market** – The proposal is to make permanent the temporary measures put in post-Covid:

- officially increase the pitch size to 3mx3m from something that traders have been using for more than six years.
- make permanent the layout that has been used since reopening after Covid. This means all pitches on the north side and extended from Ravenscroft to Barnet Grove, with market parking on both side of Barnet Grove and one side of Chambord.

3.9 Consultation was wider for this proposal. There was a public consultation due to the additional section being designated, in addition, it included all residents and businesses from Chambord Street to Barnet Grove. Markets are not compelled to do so, but we very much value the views of the residents and businesses where the market operates, so a letter drop was carried out through every letterbox.

3.10 The additional consultation at Columbia Road was due to the additional area being proposed in addition to the larger pitch size.

3.11 For Columbia Road market, there were eight responses from two market traders, one from a resident/business owner, one from a resident and four from businesses. See Appendix 1.

3.12 Consultees were asked:

Are you in favour of the pitch size increasing to 3m x 3m?

Six out of eight respondents were in favour. Of those that said they were not in favour, one was a business owner who was concerned about the stall space affecting space around their shop.

Are you in favour of making permanent the pitch layout designation that was changed after markets reopened?

Seven out of eight respondents said they were in favour.

3.13 The majority of responses were positive and certainly there is no great opposition to the layout. All responses from traders were positive. The current conditions have been in place for 4.5 years and has been widely well received.

- 3.14 We do not consult with the visitors on administrative issues to do with markets. However, one visitor commented that they felt safer with the current layout than they had with the previous layout pre-Covid.
- 3.15 Markets officers took advice from Corporate Health and Safety and found that the option to do nothing and keep the designated pitch sizes and layout was not viable. This is due to pedestrian congestion and lack of escape routes in an emergency.
- 3.16 Officers recommendation is to carry out the changes consulted on. The layout has almost universal agreement and creates a more pleasant, safer environment including lessening the prevalence of pick pockets and mitigating some of the risk from a hostile vehicle attack.
- 3.17 In addition, it is not a viable option to keep the temporary format without making a decision, as this would leave the council open to challenge forcing us back to the old layout, which at best would mean 50% of the traders losing their licence and could force the closure of the market due to safety.
- 3.18 Full to the Columbia Road market consultation are included as appendix 1.

#### **4 EQUALITIES IMPLICATIONS**

- 4.1 A draft equalities analysis is attached (Appendix 4x).
- 4.2 There are no equalities implications to any protected characteristic groups. The changes being proposed will enhance the look and feel of these markets, making them more attractive and safer for market stall holders and market user visitors.

#### **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
  - Data Protection / Privacy Impact Assessment.
- 5.2 Best Value: The council considered the economy, efficiency and effectiveness of this proposal to fulfil the best value duty. The changes being proposed will enhance the look and feel of these markets, making them more attractive and safer for market stall holders and market user visitors. These enhancements

fit in with the council's strategic priority to boost culture, business, jobs and leisure.

- 5.3 Crime Reduction: Due to the success and the high footfall at Columbia Road it has historically attracted professional pick pockets, the recommended changes open up the area and reduce the cramped conditions where pick pockets can thrive.
- 5.4 Consultation: Market traders were consulted by a letter drop and by email. Whilst there were disappointingly few responses from market traders, officers are confident that they are able to adequately represent views because of the ongoing day-to-day engagement work of the service.

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report is seeking approval to formalise the market designations at three markets, Whitechapel, Watney and Colombia Road. Amending the pitch sizes will not generate any additional income for the markets. The cost of the consultation with traders will be contained within existing budget provision and therefore there are no financial implications emanating from the report.

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 It should be noted that this report uses the terms "markets" and "street trading." In law, there is a difference between the two. However, this report is concerned only with street trading under the London Local Authorities Act 1990 (LLAA 1990) and where "markets" is used, it is as a convenient shorthand.
- 7.2 Street trading within London is governed by Part 3 of LLAA 1990. Section 24 provides for an authority to designate a street within its area as a "licence street" for the purposes of street trading, where it thinks street trading should be permitted.
- 7.3 Before passing such a resolution, s.24(1) LLAA 1990 requires that the Commissioner of the Metropolitan Police is consulted. There is no requirement to consult more widely, but the authority has chosen to do so in respect of Columbia Road market. A notice containing a draft of the resolution and that representations may be made within a specified period (being not less than 28 days after the publication of the notice) must be published in a local newspaper in the area.
- 7.4 The authority must consider any representations received during the consultation period. If it then thinks fit to do so, it may publish a resolution designating the street(s) in question as licence streets under LLAA 1990. This must be published in a local newspaper in two consecutive weeks. The first such notice must be published not later than 28 days before the day on which the resolution comes into force. The report confirms that these statutory requirements have been complied with.

- 7.5 Street trading licences will contain conditions regulating, for example, the hours of trading, the commodities which may be sold, and the days on which trading is permitted. The Council may, by virtue of s.27(3) LLA 1909, make regulations prescribing standard conditions that apply to all street trading licences. These conditions also address the dimensions of pitches in different markets. The Council has standard conditions.
- 7.6 Where the Council choose to make such regulations, it must publish notice of its intention to do so in a local newspaper in the area. The notice must contain a draft of the resolution to be passed and confirm that representations may be made to the authority within a defined period. That period cannot be less than 28 days from the date of publication of the notice. The Council must also consult the licence holders or a body or bodies of persons representative of them.
- 7.7 The authority must consider any representations received during the consultation period. If it then thinks fit to do so, it may make the regulations and notify the licence holders or a body or bodies of persons representative of the licence holders. The report confirms that the statutory requirements have been complied with.
- 7.8 All functions of an authority under Part 3 LLA 1990 are non-executive functions by virtue of Regulation 2 and Paragraph 20 of Schedule 2 to the Local Authorities (Functions and Responsibilities) Regulations 2000. These provide that the Part 3 functions are not to be the responsibility of the executive.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE.

### **Appendices**

Consultation Responses (Appendix 1)

- Artists Impressions of Watney with Gazebo (Appendix 2a, 2b & 2c)
- Columbia Road Maps (Appendix 3a & 3b)
- Draft Equalities Impact Assessment (Appendix 4)
- Designation Notice Columbia Road (Appendix 5)

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE.

### **Officer contact details for documents:**

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