

<b>DECISION TITLE: Closure and Relocation of Peterborough City Market</b>
<b>ENTER NAME OF CABINET MEMBER EXERCISING DELEGATED POWERS: Councillor Steve Allen, Cabinet Member for Housing, Culture and Communities</b>
<b>ENTER MONTH IN WHICH DECISION IS BEING TAKEN: January 2022</b>
<b>Deadline date: 31 January 2022</b>

Cabinet portfolio holder: Responsible Director:	Cllr Steve Allen, Cabinet Member for Housing, Culture and Communities Adrian Chapman, Director for Communities and Partnerships
Is this a Key Decision?	YES If yes has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: KEY/17JAN2022/01
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	No
Is this a project and if so has it been registered on Verto?	NO

**RECOMMENDATIONS**

The Cabinet Member for Housing, Culture and Communities is recommended to:

1. Close the Peterborough City Market at Northminster, Peterborough; and
2. Establish a new statutory market at Bridge Street pursuant to the Food Act 1984 and move the Charter/franchise market from Northminster Market to Bridge Street, operating 5 days per week (Tuesday to Saturday);
3. Authorise the award of various works, including the construction of the food hall and market kiosks to the contract to Peterborough Limited for a value not exceeding of £779,360 for the construction of the food hall, market kiosks and supply/install of pop-up stall, subject to budget approval.

**1. PURPOSE OF THIS REPORT**

- 1.1 This report is for the Cabinet Member for Housing, Culture and Communities to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (n).
- 1.2 With the approval of the Chairman of the Communities Scrutiny Committee, the special urgency procedures have been invoked to suspend the requirement for a 5-day consideration period and keeping of the 3 day call-in period. These procedures have been invoked due to the extremely short window for construction of the food hall. In order to decant the traders from the Northminster site by 31<sup>st</sup> March (as required by the contract the council has with the PIP), the food hall will need to be opened by then.

Through Peterborough Ltd, builders are on standby ready to commence the works to the food hall, the council is unable to instruct until the governance is complete surrounding the decision. The build period is extremely tight to complete the build within deadline and the waiver of the usual 5-day period will provide more time for the builders to undertake the works.

## 2. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	
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## 3. **BACKGROUND AND KEY ISSUES**

- 3.1 As part of the Northminster development, the site which the market currently sits on (the old cattle market site adjacent to Northminster Car Park, Peterborough) is required to be vacant by 31 March 2022. This will allow for a substantial start on site before the end of the financial year, which is a condition of Government funding to the Northminster development.
- 3.2 In September 2021, the Cabinet Member took the decision to instruct officers to explore alternative locations for a new city market and was minded to close the existing market. Public notices have been issued to traders, stakeholders and the public stating the intention to close the market and asking for any representations to be made to the Director of Law & Governance and Monitoring Officer. To date 3 representations have been received. The view(s) expressed have been:
- That the market should be kept open until an alternative site can be found and there should be no loss of facility to the public.
  - That consultation should be carried out with stallholders to ensure effective space is provided in the new offer
  - That we work with a trader who wishes to relocate to an individual shop premises
- 3.3 It is proposed that the market be moved from its current location at Northminster to Bridge Street and will comprise of a new food hall in a shop unit (the former council customer service centre building) and initially 12 market kiosks located on Bridge Street. Planning permission was approved at the Planning and Environmental Protection Committee meeting on 25 January 2022.
- 3.4 Bridge Street is at the heart of the city centre and will generate much higher footfall to the traders and reverse the decline of business that the current market suffers from. It is

envisaged that existing traders located in Bridge Street will also benefit from the increased customer flow that the market will attract to this location

3.5

Whilst the market will initially host the traders moving from the existing site, there is the potential to increase the number of permanent kiosks and supplement occasional pop-up stalls for temporary events e.g., Christmas and other cultural/religious celebrations, food and drink festivals etc.

3.6

Regular engagement has taken place with market traders regarding the proposals and traders have been consulted on the design of the food hall and kiosks. Based upon the feedback received, designs have been adjusted to better suit the needs of the traders.

3.7

It is proposed that Peterborough Limited will be commissioned to undertake the conversion of the former Customer Service Centre building into a food hall and the market kiosks along Bridge Street. It is expected that the Food Hall should be open by 1 April 2022 and that traders will be able to operate their business from that time.

Every effort will be made to ensure that the market is open by 1<sup>st</sup> April but given the pressures of supply of building materials across the UK, this date cannot be guaranteed. The council will work with traders to develop contingency measures should there be any period of delay before the market is open.

3.8

In addition, it is proposed to purchase 12 pop up market stalls which can be used by the non-food hall traders in the event of a delay to the construction of the market kiosks. The pop-up stalls can also be used for occasional markets and bookable for occasional traders, for example food festivals, Christmas markets etc.

#### **4. CONSULTATION**

4.1

A public notice to close the market has been published in the Peterborough Telegraph and on the market site which invited representations. In addition, parish councils, Opportunity Peterborough, The Civic Society, Chamber of Commerce and Members have all been notified of the proposal.

Market traders have been consulted throughout.

#### **5. ANTICIPATED OUTCOMES OR IMPACT**

5.1

A new market will enable the regeneration of the Northminster site, providing additional affordable homes to the city. In addition, relocating the market to a more central location will help to increase footfall and income for traders and improve the offer of stalls for Peterborough shoppers.

#### **6. REASON FOR THE RECOMMENDATION**

6.1

Vacant possession of the Northminster site is required to enable the regeneration of the site and providing new homes, this is a condition of government funding that the council has been awarded.

#### **7. ALTERNATIVE OPTIONS CONSIDERED**

7.1

Retain the market in its current location. This option has been rejected as it will not enable the Northminster site to be developed or allow for the improvement in the market offer.

Do not have a market within Peterborough. This option has also been rejected due to the negative impact on traders, the loss of community facilities which would negatively impact businesses within the city by reducing the footfall within the city. Additionally, the market has a long-standing heritage within the city set out by way of Charter.

## **8. IMPLICATIONS**

### **Financial Implications**

- 8.1 The new market will require investment to develop the kiosks and food hall at a cost not to exceed £759,360. In addition, there are other associated costs from closing the market and developing the new site.

The budget for the project is not within the existing Medium Term Financial Strategy and therefore will require additional borrowing.

### **Legal Implications**

- 8.2 The closure of the market at Northminster requires a formal notice of closure to be published so that the public and any other interested parties are aware of move of the charter market and termination of any public market rights at the Northminster Site. The notice will also establish market rights at Bridge Street, and formally move the charter to the Bridge Street location. The public require as much prior notice as possible of the move, but the notice must not be published before a decision is taken in favour of the move.

The Food Act 1984 provides that a local authority is able to establish a statutory market within their area.

Regulation 12 of the Public Contracts Regulations 2015, permits the Council to obtain services from a company as long as all of the following conditions are met, namely;

1. The Council exercises a level of control over Peterborough Limited which is similar to which it exercises over its own departments;
2. Peterborough Limited carries out more than 80% of its activities for the Council.
3. There is no private ownership of Peterborough Limited.

Peterborough Limited is fully owned and controlled by the Council without private ownership and essentially carries out its activities for the Council. Therefore all the conditions are met for the exemption under the Public Contract Regulations to be applicable for this arrangement.

### **Equalities Implications**

- 8.3 None identified

### **Carbon Impact Assessment**

- 8.4 The market is being moved from its current location to Bridge Street and it is not anticipated that there will be any signification change to the environmental impact as a result.

## **9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

9.1 None

**10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

10.1 None

**11. APPENDICES**

11.1 None