



**RECORD OF DECISION TAKEN UNDER DELEGATED
AUTHORITY
(Not a Key Decision)**

Date of Decision: 27/05/2020

**Executive Decision or 'Other Decision' to be
published?: Yes**

TITLE: Impact of COVID-19 on Ormskirk Market and Pay & Display Car Parks

DECISION:

- i) To authorise the re-opening of Ormskirk Market from 18 June 2020, initially for the sale of food and other essential items, before expanding sale to non-essential items subject to the Government lifting restrictions affecting non-essential retail businesses.**
 - ii) To authorise reduced pitch rental charges for Permanent Licensed Traders on Ormskirk Market in June 2020.**
 - iii) To limit the number of pitches available to rent on Ormskirk Market in June – August 2020 or until Government remove social distancing restrictions in order to enable social distancing measures to be maintained in Ormskirk Town Centre.**
 - iv) To authorise an additional market day on a Sunday, as necessary, to enable all Permanent Licensed Traders on Ormskirk Market to still operate for two days of the week, should they wish to, and / or to relocate all or part of the Market to Coronation Park, as necessary, to aid with safe social distancing while still enabling Traders to operate.**
 - v) To review the current free car parking charges on Council-owned pay & display car parks by 1st September 2020, to assess if they should be re-introduced.**
-

AUTHORITY:

Constitution 4.2: Proper Officer Provisions and Scheme of Delegation to Chief Officers
Issue Date 04.11.19

- 4.21 To take any action on behalf of the Council, following consultation with the Leader and relevant Portfolio Holder or the Chairman of the appropriate committee, in cases of urgency requiring immediate decisions, and where it would be unreasonable or impractical to convene a meeting.

REASONS FOR DECISION

As set out below

1.0 BACKGROUND & CURRENT POSITION

- 1.1 Ormskirk Market usually operates on a Thursday and Saturday throughout the year. The last day of trading for the Market was 21st March 2020 after the decision was taken to close the Market until further notice due to the COVID-19 outbreak, in order to reduce the potential of transmission of the virus in West Lancashire through the operation of the market. Similarly, the risk of transmission of the virus through the use of the pay & display machines in Ormskirk's council-owned car parks led to the decision to turn off those machines on 23rd March 2020 and temporarily cease charging for use of those car parks (see Record of Decision dated 23rd March 2020).

Ormskirk Market

- 1.2 The initial impact of COVID-19 on the market was extremely low footfall within the town centre and concerns regarding the virus affected the attendance of many traders. To assist, a half rent credit allowance was applied to the accounts of permanent licensed traders that attended the market on Thursday 19th March 2020 and Saturday 21st March 2020 and full credits were applied for permanent licensed traders who at that stage of the outbreak had chosen to stay at home. Since 21st March, as the market has not operated at all, Market traders have not been charged rent. The average rent collected from permanent licensed and casual market traders is usually £5,000 per week. As such, by the end of May the Council will have lost upwards of £50,000 in income from the Market since mid-March.
- 1.3 Ormskirk Market remains closed, but the Council needs to plan regarding the timescales for either re-opening the market to its full capacity or to re-open with a smaller market or restricted offer as the restrictions on movement due to COVID-19 are gradually eased over a potentially lengthy period of time, where social distancing measures will continue to be necessary to minimise spread of the virus.
- 1.4 All market traders have been spoken to during April and May 2020 to ensure ongoing communication remains. Traders understand that it was necessary to close the market due to the current outbreak, but the vast majority remain keen to return when government guidance dictates that it is possible for them to do so. They are appreciative of the assistance received from the authority thus far in terms of the discounts received at the very end of the 2019/20 financial year and that no charges are being levied during the period of closure.

Pay & Display Parking

- 1.5 Charges for parking at the pay & display car parks in Ormskirk were suspended until further notice with immediate effect on 23rd March 2020, with all ticket machines turned off and notices attached to them, and no Penalty Charge Notices (PCNs) have been issued since that date. While the Council took this

decision on the grounds of public safety to minimise risk of transmission of COVID-19 via the ticket machines, it should be noted that some other authorities only suspended enforcement and continue to charge some car park users.

- 1.6 Initially, the Civil Enforcement Officers contracted by the Council to enforce charging and safe parking on the car parks continued to undertake their rounds to ensure users of the car parks were parking in a safe manner, but this ceased on 25th March 2020 as the UK's lockdown measures were increasing. While PCNs issued before the parking charges were suspended are still being processed, this work is gradually declining as no new PCNs are issued.
- 1.7 The Civil Enforcement Officers, and the processing of PCNs, are employed and managed by external contractors on behalf of the Council. Following Cabinet Office guidance, the Council are having to continue to pay for those services, even as they decline or are not used. The average monthly cost to the Council of the contracts for these services is £5,400 which is usually more than covered by the average monthly income from the pay & display car parks and enforcement of £50,000 and £3,500 respectively. However, this income is currently reduced to virtually zero given that charges have been suspended and only PCNs issued before the ceasing of charges are being processed.

2.0 ISSUES

- 2.1 Whilst it should be noted that the human impact of the COVID-19 outbreak is the most important consideration and remains ongoing, there are other factors which also need to be considered:
 - Ormskirk town centre currently has a limited number of businesses who continue to remain open, including food retailers and discount stores, but no market offer.
 - The Council is currently losing revenue from market trader rents.
 - The Council is also currently losing revenue from its town centre car parks.
 - The Council is also currently paying for the services of external contractors used to provide daily enforcement within the car parks and for related cash in transit collection services and back office notice processing.
 - Outdoor Markets and Street Markets are closed in the majority of locations across the UK, however some have continued to operate despite the COVID-19 outbreak. Government guidance at the time of writing this report had recently changed to allow indoor markets to open, and is anticipated to allow outdoor markets to resume from 1st June. Similar to national supermarket chains, markets have sought to operate using safe social distancing techniques and following advice from Government.
 - Outdoor Markets and Street Markets can help in ensuring that consumers have safe access to purchase food and household products during the COVID-19 outbreak.

- Ormskirk Market will need to re-establish its appeal as a town centre attraction and re-commence as an economic activity to ensure the long-term future of the market and the Town Centre generally.

2.2 All of the above points towards a need to re-open the Market as restrictions are eased by the Government over the coming weeks. However, there will be several challenges for the Council and the Market Traders as the market re-opens:

- Initially, economic conditions for the Market Traders may be difficult due to the expected initial low footfall within the town centre and it is perceived that there may initially be less interest in non-essential goods. Furthermore, certain other town centre businesses may remain closed when the market commences trading (for example, cafes, restaurants and bars who will likely still be under lockdown rules).
- Traders will need to operate their stall/s using safe social distancing techniques. This may mean the set-up of their stall/s may need to be amended to ensure a safe distance between their customers and themselves.
- Traders may need to be provided with advice on how to operate using safe social distancing techniques. This may also include being provided with advisory signage and queuing signage similar to those currently in use at national supermarket chains.
- The public may lack the confidence to return to the town centre or may have altered their retail habits, for example started to shop online using home delivery services.
- The market normally relies on an influx of visitors during the spring and summer months. Unfortunately, it is anticipated that coach tours and public transport will be heavily affected due to social distancing issues and the elderly and vulnerable steering clear of crowded areas.

2.3 In relation to the pay & display car parks, while there are some virus transmission risks associated with the use of the ticket machines, these are no greater than those associated with cash machines or typing your PIN number into a card machine at a shop or using a pump at a petrol station (all of which are still in operation), and, in fact, the number of people using the ticket machines is likely to be substantially fewer. However, the income from car parks is vital to the Council, especially in light of the fact that the Council is having to continue to honour its contracts for the services associated with the car parks.

2.4 However, an alternative view might be that keeping town centre car parks free for the time-being will aid the town centre as it recovers from the impacts of COVID-19 and the associated lockdown, particularly while many retail businesses and cafes, bars and restaurants remain closed. While it is not considered that a £1 car parking charge for 3 hours will put off many potential customers to the town centre or impact footfall, the perceived risk of using the ticket machines may discourage potential customers to the town centre.

3.0 PROPOSALS TO BE IMPLEMENTED

Ormskirk Market

- 3.1 Firstly, that Ormskirk Market is re-opened as of Thursday 18th June, initially for the sale of food and other essential items and with a restricted number of stalls, but over time expanding to encompass more stalls and the sale of non-essential items, subject to the Government lifting restrictions on the sale of such items on outdoor markets.
- 3.2 Given the above challenges identified in relation to re-opening the market, there are a number of proposals that the Council could opt to take with the Market as it re-opens.

Rental Charges

- 3.3 Rental charges for Permanent Licensed Traders should be reduced for the market days on 18th, 20th, 25th and 27th June 2020 so that traders are only charged half rent. Casual Traders, should they be able to be accommodated under the social distancing measures applied, will also be charged at half the casual rate for the same period, although it is anticipated casual traders will not be able to be accommodated with the reduced number of stalls. Those traders who cannot be accommodated, or who give notice they will not be attending on those days, will not be charged.
- 3.4 This period of half rent would help to encourage the market traders to return to the market as soon as it re-opens, despite potentially lower takings as a result of lower footfall in the town centre, and help to re-establish Ormskirk Market. It also reflects the fact that permanent traders may not be able to trade from their normal stall positions or, in some cases, occupy as many stalls as they would normally do so. This would help the market traders to re-build their businesses and encourage footfall to return to the town centre. This would also benefit all the businesses located within the town centre. A longer period of half rent was considered, but given that Market Traders are able to apply for a top-up business grant (and potentially other self-employed grants) in June to cover the costs of their rent during the Summer, discounting rents will not be necessary from July onwards.
- 3.5 It is considered that this approach strikes an appropriate balance between charging full rent in June, which may be somewhat onerous for Market Traders due to likely reduced income from sales on the market, but providing some income to the Council for running the market and somewhat reducing the budget deficit that will occur as a result of the impact COVID-19 has had on the market. This will also give traders the opportunity to access the top-up business grants before full rents are charged again.
- 3.6 Given the current circumstances, as the Market prepares to re-open, all Permanent Licensed Traders will be made aware of the re-opening and of the new charges for June, and if they indicate that they do not yet wish to return in June, then they will not be charged at all (until they indicate they do wish to

return). However, all those that indicate that they do wish to return for the second half of June will be charged (on a half-rent basis) for those four market days as they are allocated stall plots through the phased return of the Market (see below) and will be charged even if they choose not to trade on a given day, unless they are having to self-isolate due to the trader, or one of their household, displaying symptoms of COVID-19.

Operation of the Market

3.7 Due to the need to maintain appropriate social distancing as the market operates (measures which it is assumed will need to continue throughout the Summer even as the country gradually emerges from lockdown), it is recommended that the following be put in place as the Market returns to operation:

- The number of stall plots on the market will be reduced to ensure that there is sufficient space between stalls, between stalls and shopfronts and for socially distanced queuing for both the market stalls and shops in the town centre. In order to do this it may be necessary to restrict casual trader attendance at the market, as it is anticipated that approximately 75 stall plots will be able to be accommodated on any given market day (compared to 103 under normal operation). This will prioritise permanent traders and allow them all an opportunity to trade.
- Display signage reminding about appropriate social distancing for customers of the market and pedestrians walking through the market
- Provision of advice to Market Traders about social distancing, handling of goods on their stalls, hand hygiene and appropriate PPE for traders, as well as encouraging use of contactless card transactions instead of cash

3.8 In addition, given the number of stall plots will be reduced, an additional market day may be established to run, as necessary, on a Sunday to enable as many Market traders as wish to still operate from Ormskirk Market for two days a week and, as needed, all or part of the Market may need to be relocated to Coronation Park to enable traders to operate in a safe, socially distanced manner if this proves too difficult to achieve on Moor St or Aughton St in the town centre. Further work will be required to check the feasibility of an extra market day or the use of Coronation Park, should it be necessary.

3.9 Given the need to proceed with care as the market is re-opened and the lockdown is gradually eased, it is proposed that even this reduced market is brought back in phases initially with a small number of stalls for the 18th, 20th, 25th and 27th June, to ensure that the safe set up, operation and take down of the Market by Traders is established, and new ways of working tested through that phased return. This phased return will involve:

- 18th, 20th, 25th, 27th June – up to 35 stall plots to be traded from, with food-based traders and traders of other essential items prioritised and traders of non-essential items only allowed to trade subject to the Government lifting restrictions on the sale of non-essential items on outdoor markets.

- From Thursday 2nd July – further plots will be accommodated subject to officer assessment of experiences operating the reduced market in the final two weeks of June to ensure social distancing measures can be maintained to allow up to a total of 75 stall plots to be traded from, with traders of non-essential items only allowed to trade subject to the Government lifting restrictions on the sale of non-essential items on outdoor markets. It is anticipated that the market would not be able to re-open with the full 103 stall plots until the Government's social distancing guidance is lifted.

Pay & Display Parking

- 3.10 It is recommended that car park charges continued to be suspended until Tuesday 1st September, when this situation will then be reviewed based upon trade and footfall in the town centre, and car park usage, to assess if charges should be re-imposed. When car park charges are re-imposed notice can be posted on ticket machines and enforcement could resume initially with warning notices for any contraventions in the first two weeks of charges being reinstated and then full enforcement thereafter.
- 3.11 The main risk of spreading the virus associated with the car parking charges is the use of money and the ticket machines, where touching the buttons is unavoidable to issue a ticket. However, to reduce the risk from this, the Council will ensure that the machines are wiped down with disinfectant once an hour by the Civil Enforcement Officers during their patrol of the car parks, once car parking charges are re-introduced. It should also be noted that overall use of the car parks (and therefore the machines) will be likely to be lower than would normally be expected as people continue to stay at home more, so risk will be reduced in this way too.
- 3.12 Also, while the depositing of cash into the ticket machines will have minimal risk for the customer, interactivity with the machines will also carry risk for the Civil Enforcement Officer and Cash Team, but they will be provided with appropriate PPE to minimise risk.

4.0 ALTERNATIVES CONSIDERED

- 4.1 The alternatives considered in relation to Ormskirk Market revolve around whether to have a market, what size it should be and what rental charges the Council should charge. Not re-opening the market is an option, but for all the reasons discussed in this report as to the economic benefits the Market brings to the Town Centre and its businesses, the livelihoods of the Market Traders and the increased access to, and options for, sourcing essential goods that the Market enables, continued closure of the Market is not considered the sustainable course moving forward.
- 4.2 However, the scale of the market, particularly given social distancing requirements, is very much an option (except that it is clear that returning straight away back to the full-scale market held prior to COVID-19 is not an option yet). As such, the alternatives lie in what size of market the Council seeks to re-open, and how it phases the build-up of the scale of the Market over the Summer. This

will partly be determined by the Traders and customers themselves, as if the level of footfall is much reduced from normal (which would be expected at least to start with), then the level of trade will be reduced and the number of Traders wishing to rent a stall plot will (temporarily) reduce. However, the phased return set out above is considered to provide a balanced build-up of the Market while still ensuring social distancing guidance can be safely adhered to in the Town Centre.

- 4.3 With regards the charges for plot rental on the Market, the alternatives can lie anywhere between a nil charge and the full, normal charge, but it is considered that charging 50% rent strikes the appropriate balance between providing some income to the Council for administrating the Market and overseeing its operation at this particularly challenging time (and covering staff costs associated with that) but providing some discount to Traders who have been adversely affected by the lockdown and the reduced footfall at the Market as it re-opens.
- 4.4 Car Park charges could be re-introduced immediately, but this could be considered to harm the immediate economic recovery of the town centre.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 Ormskirk Market helps make the town a better, richer, more diverse place and also attracts more visitors to both Ormskirk and the West Lancashire Borough. As well as providing employment opportunities and livelihoods for traders, markets have the potential to evolve as dynamic, entertaining places at the heart of local communities, making the most of regeneration opportunities and strengthening the economic health and social fabric of local communities.
- 5.2 Markets are the original business incubators and as accessible open workspaces they offer a unique, low-risk opportunity for people to test business ideas and learn new skills. For many people they provide the initial step into employment and open up routes to different types of work. The Council needs to be seen to be fully supporting the market and assisting in developing it further into becoming a "destination" market to draw visitors in from further afield.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 The proposals outlined for the Market in this report would result in a loss of income to the Council compared to that anticipated prior to the outbreak of COVID-19. The closure of Ormskirk Market since 21st March 2020 to 17th June 2020 will have cost the Council circa £60,000. Instigating half rent for Market Traders for the remainder of June (2 weeks), and recognising that only 34% of the normal full capacity of the Market will be able to be used because of social distancing measures, the phased return and reduced take-up by Traders, will mean that the Council only receives circa £3,400 in the last two weeks of June, compared to the circa £10,000 that would normally be received. As such, the total loss of income from the market to the end of June would be in the region of £67,000.

- 6.2 In addition, from July onwards, while social distancing measures need to remain in place, the number of stalls on the Market will only be 73% of the usual number, so the circa £5,000 weekly income from plot/stall rents will be reduced to £3,650 at best from July until those measures can end.
- 6.3 In relation to car park charges, the Council has seen a loss of income of circa £125,000 since car park charges were suspended on 23rd March 2020, compared to the same period in 2019. At the same time, monthly costs for the contracts with external suppliers for managing the car parks have still been paid, to the cost of £10,800 (payments made in April and May).
- 6.4 The continued suspension of car parking charges through June, July and August will see a loss of income of in excess of £150,000, plus continued costs of £16,200 for the contracts with external suppliers. This would result in a total loss of income/continued costs to the Council of approximately £300,000 over the period 23rd March to 31st August.
- 6.5 If the car park charges were re-introduced in September 2020, the Council would limit further loss of income and help to cover the costs of the contracts with external suppliers over the remaining seven months of the financial year. However, even if this was the case, it is highly unlikely that income from car parking over the remainder of 2020/21 will be as it was for the equivalent period in 2019/20, as footfall in, and visits to, the town centre are likely to be down while the COVID-19 outbreak continues. It is extremely difficult to estimate with any certainty what the patronage of the car parks will be over the rest of the year, but to give an idea of costs to the Council, income from parking charges from September 2020 to March 2021 would need to be at least £65,000 just to cover the costs of the contracts with external suppliers for the whole year. This would require at least 20% of the income from car parks in September-March that we received last year.

7.0 RISK ASSESSMENT

- 7.1 If the Council does not re-open Ormskirk Market relatively soon the Market may find it difficult to re-establish itself as a town centre visitor attraction. The town centre businesses need a vibrant market to help to attract footfall to the town centre to enhance their economic viability.
- 7.2 If the Council does not offer sufficient rent incentives to traders, their businesses may become economically unviable whilst the Market seeks to re-establish itself. The Market does not wish to weaken its offer as it aims to attract footfall back into the town centre.
- 7.3 If Ormskirk Market does not operate in a modified way it may compromise the health of traders, public and Council officers.
- 7.4 If the car parks remain free to use indefinitely, the Council's income would be further compromised whilst fixed costs are still being incurred, and so it is important that a clear date is eventually communicated as to when the charges are planned to be re-introduced.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 Aside from the COVID-19 related considerations discussed in this report, there are no health and wellbeing implications arising from this report.


9.0 EQUALITY IMPACT ASSESSMENT

9.1 There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

10.0 BACKGROUND DOCUMENTS

10.1 There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Decision taken by:

Name	Title	Signature	Date
Heidi McDougall	Corporate Director of Place & Community		04/06/2020

In consultation with: The Leader and Portfolio Holder for Planning

Name	Title	Signature	Date
		By e-mail	

NOTES

(Executive Decisions)

1. **ANY CONFLICT OF INTEREST DECLARED BY THE PORTFOLIO HOLDER (Only required where decisions taken in consultation with):**

None

(Executive Decisions)

2. **IF CONFLICT OF INTEREST EXISTS, DETAILS OF DISPENSATION GRANTED BY THE HEAD OF THE PAID SERVICE:**

N/A

(‘Other Decisions’)

3. **THE NAMES OF ANY COUNCILLOR WHO HAS DECLARED A CONFLICT OF**

INTEREST IN RELATION TO THE DECISION

None

3. FOR FURTHER INFORMATION PLEASE CONTACT:

Contact Officer: Peter Richards
Directorate & Service: Growth and Development
Telephone No: 01695 585046
Email Address: peter.richards@westlancs.gov.uk

Appendices

Appendix A - Equality Impact Assessment