



CABINET: 13<sup>th</sup> MARCH 2018

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**Report of:** Director Development and Regeneration

**Relevant Portfolio Holder:** Councillor I Moran

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**SUBJECT: ORMSKIRK NIGHT MARKETS AND TOWN CENTRE EVENTS**

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Wards affected: Ormskirk Wards (Derby, Knowsley and Scott)

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek a way forward to facilitate the successful implementation of a series of night markets and other events in Ormskirk Town Centre in conjunction with the Ormskirk Business Action Group and other appropriate community/business organisations.

## **2.0 RECOMMENDATIONS**

- 2.1 That the Director of Development and Regeneration, in consultation with the Portfolio Holder, be authorised to submit an application for a Premises Licence under the Licensing Act 2003 and to authorise regulated entertainment and sale of alcohol which would enable the night markets and other themed events in Ormskirk Town Centre to proceed.
- 2.2 That the Director of Development and Regeneration be authorised to develop a code of conduct under which any night market or other event must operate for agreement with the organising body and to review these as appropriate.
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## **3.0 BACKGROUND**

- 3.1 Recent national studies have emphasised how town centres are changing and that leisure activities and events are key to driving forward town centre footfall.
- 3.2 The Ormskirk Town Centre Strategy recognised that the development of an events calendar was important and a key action was to work with partners to develop and promote events. This was reinforced by the further work undertaken by Thinking Place, place specialists. Thinking Place found in their street surveys research that a lack of events was one of Ormskirk's challenges with a key feeling that Ormskirk needed such events to improve its vibrancy. Alongside the need for events their research also suggested adding a variety of markets to the towns offer. This was the key finding from residents and students, however even when taking on board external perceptions, they also noted they would want to see more events.
- 3.3 The recent Ormskirk BID research, whilst targeted solely at businesses, showed that 82% of respondents found events important to their business, with 61% stating it was very important.
- 3.4 In 2017 the Council was approached by Ormskirk Business Action who wished to trial a 'night market' in the town centre. The intention was to use local businesses as far as possible to sell food and drink to create a vibrant event in the town centre.
- 3.5 Two night market events were trialled, one on a Friday and one on a Saturday evening. These ran from approximately 5.30pm to 9pm. Both were mainly run by the Ormskirk Business Action Group, although advice and assistance was given by Council Officers as part of our partnership role. The first event held on a Saturday was extremely successful although some difficulties were experienced due to the existing market having to be taken down before the 'night market' could be set up. The second night market was trialled on a Friday evening to avoid this difficulty, and was still very successful despite a train strike on that day.
- 3.6 Businesses reported that not only was the night market very successful in its own right, but the town centre was very busy after the night market finished and it was very good for town centre trade.
- 3.7 The night market sold alcohol under a Temporary Event Notice (TEN) issued under the Licensing Act 2003 (the Act), which proved to cause some issues due to the difficulties in controlling the number of attendees in the licensed area that are required by a TEN. There were also some issues in terms of litter clearance and disposal of waste. Accordingly, Officers asked that no more markets be held whilst these licensing and operational issues were resolved.
- 3.8 There were no public disorder issues relating to the two trial night markets and this was helped by the fact that they ended at 9pm.

- 3.9 At the Council meeting on 18<sup>th</sup> October 2017 the efforts of local businesses in holding the night markets were recognised and it was agreed that a letter of thanks be sent to businesses and that officers support the initiative in any way possible within available resources.

#### **4.0 CURRENT POSITION**

- 4.1 Discussions have taken place with the Council's Commercial, Safety and Licensing Manager and Ormskirk Business Action to find the most suitable way forward. It would appear that the best solution is for the Director of Development and Regeneration to hold a Premises Licence (issued under the Act) to authorise both the sale of alcohol and the provision of regulated entertainment within a certain area of the Town Centre. This would give the Council control over events in the Town Centre. The hours permitted by the licence can be different for the sale of alcohol than for entertainment, which would also allow greater flexibility depending upon the nature of the proposed event. This would need to be based upon restrictions in terms of hours of operation, but further restrictions may be placed upon the night market operator. For example, whilst a licence could cover Monday - Thursday 5pm - 9.30pm and Friday - Sunday 12.00noon - 9.30pm, the Council may impose further restrictions on a night market event if it saw fit (for example, Fridays 5pm – 9pm), but the Council would maintain the flexibility under the licence. It would also give the Council, or other operators, the ability to hold further events if so desired, but any other operators would have to operate under a code of conduct developed by the Council. A Premises Licence that covered the town centre area would also will be useful for other events such as the Christmas lights switch on.
- 4.2 Ormskirk Business Action (or specially constituted committee of businesses and the Council) would run the night market event. In order for alcohol sales to take place, the Premises Licence must state the name of the Designated Premises Supervisor (DPS). Under the Act, the DPS must hold a Personal Licence (also issued under the Act) and be the person in operational control of a premises or an event. It is proposed that a representative from Ormskirk Business Action would be the DPS, but who would then need to conform to the restrictions of the licence and any other stipulations that the Council wished to place on the event. This would be stated in the code of conduct that would include times of operation, food hygiene and health and safety requirements, street trading consents for stallholders, street cleansing etc.
- 4.3 A DPS is not required where the Premises Licence solely authorises entertainment, it is only for alcohol sales that a DPS must be stipulated. The Premises Licence can only stipulate one DPS at a time, but this can be changed through a formal application prior to a given event, and with the aforementioned consent of the Council under the proposed code of conduct.

- 4.4 Any direct costs incurred by the Council in connection with the running of these events would need to be covered by the charges to stallholders.

## **5.0 NEXT STEPS**

- 5.1 Authority is being sought to obtain the necessary delegations for the Director of Development and Regeneration to submit an application for a Premises Licence. If granted, the Premises Licence would authorise the sale of alcohol and the provision of regulated entertainment to enable night market and other such events to take place in Ormskirk town centre.
- 5.2 This process will involve further liaison with the Council's Commercial, Safety and Licensing Manager, Legal Services and the Police to develop a draft Premises Licence application, which would be presented to the Council's Multi Agency Licensing Team for further comment. However, once the application is finalised and submitted, it will be important to demonstrate transparency and an absence of bias in the determination of the application. The application would be determined by the Council's Licensing Service in accordance with existing procedures prescribed by the Act. This requires that the application be subject to public consultation and could include determination by the Council's Licensing and Gambling Committee (or Sub-Committee thereof) if representations against the grant of the licence were received.
- 5.3 Officers are also looking at the potential use of Street Trading Consents to regularise the conditions under which it possible for businesses to trade on the town centre streets.
- 5.4 Officers will work with Ormskirk Business Action to take forward a series of Night Markets and monitor their success.

## **6.0 SUSTAINABILITY IMPLICATIONS**

- 6.1 A series of events will enhance Ormskirk's offer and make the town centre a more vibrant place. Controls will need to be put in place to ensure that crime and disorder implications, public nuisance and public safety are considered and controlled.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There are no significant financial or resource implications arising from this report. Any direct Council costs will need to be covered by the receipts from the night markets.

## **8.0 RISK ASSESSMENT**

- 8.1 Under the proposals contained in this report, the Council would be ultimately and legally responsible for any activities provided under the Premises Licence, but would seek to obviate any risk posed by an event through the stipulations placed on the DPS and/or event organiser under a code of conduct.
- 8.2 Accordingly, given that there would be alcohol sold on the street, events will need to be strictly controlled in terms of hours of operation, safety and security etc. Organisers will need to abide by a code of conduct which will specify the criteria under which any event will operate, and this can be reviewed as necessary. Given the night markets are only operating in the early evening and will be aimed at the family market, they are not considered to pose a high risk. The two trial events in 2017 passed without incident. Officers will, however, liaise with the Police, and other partners as appropriate, to ensure that events are appropriately managed.

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### **Background Documents**

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

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

None