

	REPORT TO CABINET TO BE HELD ON 18 MARCH 2008				
	<table> <tr> <td>Key Decision</td> <td>YES</td> </tr> <tr> <td>Forward Plan Ref No</td> <td>Insert here or put N/A</td> </tr> </table>	Key Decision	YES	Forward Plan Ref No	Insert here or put N/A
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Corporate Priority Top priority of Aim 1 – Encourage economic growth and job creation. Top priority of Aim 4 – enhancing public spaces and parks.	<table> <tr> <td>Cabinet Portfolio Holder</td> <td>Councillor Mrs J E Mortimer</td> </tr> </table>	Cabinet Portfolio Holder	Councillor Mrs J E Mortimer		
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REPORT OF: Head of Property Services – HPrp/08/21

WARDS AFFECTED: Streonshalh

SUBJECT: WHITBY OPEN MARKET

RECOMMENDATION (S):

Cabinet is recommended to request the Planning and Development Committee to consider whether Whitby Market Place is suitable for the placing of tables and chairs by café proprietors fronting the Market Place on current non-market days.

REASON FOR RECOMMENDATION (S):

To encourage local businesses and enhance the street scene.

HIGHLIGHTED RISKS:

There are no significant risks in this proposal.

1. INTRODUCTION

- 1.1 An enquiry has been received from three café proprietors and one food take-away proprietor whose premises front the Market Place with regard to the possibility of placing tables and chairs on the Market Place, Church Street, Whitby on non-market days i.e. Monday, Wednesday and Friday for a trial period up to 31 October.
- 1.2 The land is in the ownership of the Borough Council and for identification is highlighted on the plan attached.

2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN

- 2.1 Top priority of Aim 2 – encourage economic growth and job creation.

Priority 2 of Aim 3 – improving quality of life and sense of place through active participation in leisure and cultural activities.

Top priority of Aim 4 – enhancing of public spaces.

3. BACKGROUND AND ISSUES

- 3.1 The Market Place is owned by the Council and is currently used for the holding of a general open market on Tuesdays, Saturdays and Sundays. A seasonal farmers market is also held there on Thursdays throughout the season (approximately April to September). These markets have provided a sense of focus for Church Street and contribute to the economic wellbeing of the area.
- 3.2 For the past two years Mr Dixon of Arnies Café, Market Place has rented a pitch on market days for the placing of tables and chairs for those customers who prefer to sit outside for beverages and snacks.

4. CONSULTATION

- 4.1 The Superintendent of Markets has consulted with the initial enquirer Mr Dixon of Arnies Café and also the proprietors of Monks Haven, Walrus & Carpenter and Full Moon. These parties are all fully supportive of this initiative, and view it as an opportunity to further develop their businesses, whilst contributing to enhancing the street scene in the Market Place by providing a continental atmosphere and relaxing ambience.
- 4.2 The Superintendent of Markets has also consulted with Mr John Freeman, proprietor of The Studio, Whitby Market Place. Mr Freeman is in principle supportive of this initiative providing that the area is kept litter free and that permissions to site tables and chairs do not exceed a strict close down time limit of 6.00pm.
- 4.3 Streonshalh Ward Councillors, Councillor Mrs D Clegg and Councillor R Broadley have also been consulted and their comments are as follows:

Councillor Clegg – "We need to make more use of the Market Place. Tables and chairs serving local cafes are an excellent idea providing boundary areas are identified and strictly adhered to and access for essential vehicles and the Lifeboat Service is not impeded. Casual parking for patrons of pubs and clubs has gone on far too long, and has downgraded what should be a remarkable public and historic square".

Councillor Broadley has "no objections to this idea as long as it does not interfere with pedestrian access through the Market Place".

5. ASSESSMENT

- 5.1 Currently on non-market days the Market Place is used as an unauthorised car park and the continual indiscriminate parking of vehicles can cause

serious problems of access for delivery vehicles servicing the adjoining shops and for the Lifeboat Service.

- 5.2 The Market Place is susceptible to being used by itinerant traders e.g. henna tattooists, hair braiding and the sale of general goods. These persons evade the payment of any tolls and take trade away from legally established businesses.
- 5.3 This proposed usage will create a continental atmosphere and a relaxing ambience to the Market Place area. The problems associated with unofficial parking should also be resolved.
- 5.4 Due to the construction design of many of the buildings in this area, access into premises via narrow doorways and often steps, disadvantages disabled persons and in particular those using wheelchairs to enter many premises. The provision of outdoor tables and chairs will enable those persons to rest and enjoy snacks and beverages without having to negotiate the aforementioned obstacles.
- 5.5 It is proposed that if approved, the interested parties would be permitted to place tables and chairs of a design already in their possession for the trial period of 2008 but if the scheme is successful and is to continue in 2009, the Borough Council would retain the right to specify that all tables and chairs conform to a standard design approved by the Borough Council.
- 5.6 The proposed period of usage on the day will be between the hours of 9.00am to 6.00pm.
- 5.7 It will be the responsibility of all licensed users to provide receptacles for the disposal of litter and to ensure that collectively all licensed users ensure that the Market Place is free from litter during the trading day and at the time of the removal of all tables and chairs.
- 5.8 A fee would be payable and there will be no reductions due to any inability to occupy the licensed space due to adverse weather conditions which are beyond the control of the Borough Council.
- 5.9 Considering all factors it is felt that this approach should initially be supported for the trial period and planning consent is obtained to Friday 31 October 2008. A further report upon experiences during the trial period will be submitted after 31 October.

6. IMPLICATIONS

6.1 Legal

There are no legal implications attached to this proposal.

6.2 Financial

The issue of licences by the Superintendent of Markets.

The rents will provide additional revenue for the markets service.

6.3 Staffing

There are no additional staffing issues.

All traders will be required to remove all tables and chairs from the Market Place at the designated time of closure.

6.4 Health and Safety

All traders will be required to be in possession of third party public liability insurance to indemnify the Borough Council of any accidents or claims arising from all implications here.

6.5 Planning

A report will be submitted to Planning and Development Committee seeking its approval to this proposal.

6.6 Other Implications

I have considered whether the following implications arise from this report and am satisfied that there are no identified implications that will arise from this decision – crime and disorder, environmental and equalities and diversities.



Graham Price
Head of Property Services

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Background Papers:

None.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT TERRY CULLEN ON THE ABOVE DETAILS.

Risk Matrix

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Increase in refuse/litter.	Additional removal costs to SBC.	Almost certain	Medium	Responsibility of all licensees to remove refuse.	Unlikely	Low
Public liability in the event of an accident on the Market Place.	Claims against SBC.	Almost certain	Medium	Licences to indemnify SBC by licensees being in possession of third party public liability insurance.	Unlikely	Low
Vehicles seeking to park on the Market Place.	Interfere with the siting of tables and chairs and engagement of users.	Almost certain	Medium	Vehicles will not be permitted to park on the Market Place.	Unlikely	Low