



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



# Governance & Audit Committee

26 September 2023

Report of Councillor Ashley Baxter,  
Deputy Leader of the Council

## Market Service Operational Review - Update

### Report Author

Adrian Ash, Interim Assistant Director of Operations and Public Protection



### Purpose of Report

To provide a progress update regarding the Council's Market Service Operational Action Plan.

### Recommendations

#### That the Governance and Audit Committee:

1. Notes the updated position with respect to the Markets Operational Action Plan and the progress being made and provide any feedback.

## Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Clean and sustainable environment High performing Council
Which wards are impacted?	All

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 The action plan was introduced to resolve the governance and financial issues of the market operations. A number of corrective measures have been implemented to address the concerns raised such as, cashless payments, implementing and structuring of fees and charges is programmed to be reviewed as part of the 2024/25 budget setting process. This will be considered by Council on 29 February 2024

Completed by: Richard Wyles, s151 Officer

### ***Legal and Governance***

- 1.2 The operation and delivery of markets is not a statutory service, however, there are governance implications associated with them. The report identifies the progress made to date with ongoing action taking place in those areas still outstanding.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

### ***Risk and Mitigation***

- 1.3 The action plan is reducing the exposure of risk to the Council and the overall progress is within the report and Appendix 1. The vacant post of Market Manager has slowed progress in some areas within the plan. It is hoped this will be addressed shortly and provide the much-needed direct contact between traders and staff.

Completed by: Tracey Elliott, Governance & Risk Officer

### ***Health and Safety***

- 1.4 Safety related works identified have been carried out which includes the maintenance of existing equipment/ provision of new equipment and ancillaries. Outstanding work on the stalls utilised at the Stamford Market are programmed for repair. Delays have occurred whilst seeking a specialist qualified contractor to carry out the work and awaiting sign off from utilities. The ongoing works are key in reducing the potential risk to staff, traders and market users, this includes additional training of staff and will provide assurance that requirements under the Health and Safety at Work Act 1974 are being met.

Completed by: Phil Swinton

### ***Human Resources***

- 1.5 The original review of market operations identified several areas of concern in respect of staff arrangements including contracts, job descriptions and grades. The consultation programme is due to commence which will formalise arrangements which will safeguard both the staff and the Council.

Completed by: Fran Beckitt (Interim Head of HR)

## **2. Background to the Report**

- 2.1 South Kesteven's traditional retail open markets at Bourne, Grantham and Stamford have been a focal point of each town for many years and have been an integral part of cultural and economic life in the district.
- 2.2 However, following an independent review of the market operations earlier this year, a report was presented to the Governance and Audit Committee in June 2023 which raised a number of concerns around governance of the service in particular the operation and financial practices of the Market Service.
- 2.3 An Action Plan identifying required corrective measures was established (see updated Appendix 1), identifying specific areas of concern where action was required. These included: employment arrangements, waste collection and disposal, income collection, operations and Health & Safety.

### **2.4 Employment Arrangements**

- 2.5 The original review identified several areas requiring attention, including the vacant post of a Markets Supervisor, along with staff not having appropriate job descriptions or contracts of employment which led to working practices not consistent with the Council's pay policy.

- 2.6 An integral role to any successful market operation is the post of Markets Supervisor who provides the 'on hand' operational management and is the direct communication point for traders, staff and visitors, whilst also promoting the development of the markets in line with their strategic direction. This post remains vacant despite being advertised on two separate occasions; There were no applicants in response to the first advert; on the second occasion there were two applicants both of whom withdrew prior to interview.
- 2.7 Following discussions with HR, the job title change has been changed to Market Manager to reflect its management position, () and the salary now includes the annual pay award to make it more appealing to potential applicants. A fresh recruitment process is underway.
- 2.8 In respect of market staff and their arrangements, this is a complex area of work and is highly sensitive given that 'custom and practice' has operated for many years. However, new job descriptions have been written for the roles of Market Manager, Market Chargehand and Market Operative. This will formalise working arrangements to safeguard members of staff by reflecting the Council's pay policy; they will also protect the Council because having casual employees provides no resilience to the service or any contractual commitment from employees.
- 2.9 **Waste Collection and Disposal**
- 2.10 Existing waste collection and disposal methods continue, i.e. market staff carry out street cleansing and waste disposal functions for the Grantham, Bourne (Thursday) and Stamford (Friday) markets. , Traders at the Saturday markets at Stamford and Bourne are required to remove their own waste.
- 2.11 Discussion continue with the waste and street cleansing services in pursuit of a more consistent and effective method of waste management. The cost associated with the collection and disposal of waste from traders has historically been subsidised and this cannot continue long term.
- 2.12 Street cleansing and waste collection/disposal are an intrinsic element of any market operation. Any future markets strategy and operation would need to include this as it impacts on the environment and aesthetics of the markets. It should be noted that under the Environment Act 2021 the 'producer pays'. In this case the traders should remove their waste or pay the appropriate rate for its collection and disposal.

### **2.13 Income Collection**

2.14 A significant area of concern in the original market operations report was the number of traders paying by cash for the hire of their stall/pitch. This was a risk to the Council and to those officers who were designated to collect the fees.

2.15 A trial was set up providing a card payment system for weekly payment of stall rents. This has proven successful with the majority choosing to use this method. However, some traders still opt to pay by cash.

2.16 Whilst we want to continue working with our traders, notification has been sent to all traders advising that following a successful trial of a cashless card system that, as of the 2<sup>nd</sup> October 2023, cash payments will no longer be accepted. The Council will be unable to offer a stall/pitch to them on the market unless they utilise a cashless payment system.

### **2.17 Operations**

2.18 Significant work has been carried out in this area. Stalls at Bourne market have been checked and repaired by the original supplier.

2.19 The stalls used at Stamford are due to be repaired shortly. Delays have occurred whilst seeking a specialist qualified contractor with the requisite documentation to carry out the work.

2.20 Chargehands undertook training in March and now hold the Certificate of Competence in Traffic Management for community events.

### **2.21 Health & Safety**

2.22 The markets have operated in much the same way for many years and the risk assessments and method statements had not been reviewed, these will be overseen by the Health and Safety lead and should be completed during October.

2.23 The tractor and trailer have been inspected, necessary repairs carried out and they have been added to the fleet maintenance regime in line with the manufacturers' recommendations.

2.24 Grantham and Stamford storage has been assessed and work carried out. However, the electrical work at Stamford is still awaiting sign off from Western Power. In terms of welfare facilities a temporary solution has been implemented with several permanent options being explored by the Property Services Manager.

## **3. Key Considerations**

- 3.1 The Action Plan was developed to assist in addressing concerns raised by the independent review of poor practices and unsatisfactory arrangements that had occurred overtime. Many of these issues have been long running, complex, sensitive and have reduced the resilience of the service and increased the risk to the Council. However, the action plan is driving positive improvements forward.
- 3.2 A summary of progress is highlighted in the Action Plan - Appendix 1. Where elements of the plan remain as ongoing.
- 3.3 Long-term commercial viability of the market is dependent on the outcome of any future market strategy and this in turn will influence the future market operations.

#### **4. Other Options Considered**

- 4.1 Markets is a non-statutory function. However, they must operate in a compliant manner.

#### **5. Reasons for the Recommendations**

- 5.1 This report is for noting the Market Service Operational Action Plan updates.

#### **6. Consultation**

- 6.1 Consultation will soon commence with Market staff to formalise contractual and working arrangements and bring them into line with the Council's pay policy.

#### **7. Appendices**

- 7.1 Market Service Operational Review - Update