



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Finance & Economic Overview Scrutiny Committee

20 February 2024

Report of Councillor Ashley Baxter
Leader of the Council

Market Service Operational Review - Update

Report Author

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Purpose of Report

To provide an update on the Council's Market Service Operational Action Plan.

Recommendations

The Finance and Economic Committee:

1. Notes the updated position with respect to the Market Operational Action Plan and the progress made to date and provide any feedback.
2. Agrees that Markets return to 'business as usual' given the appointment of a new Head of Waste Management and Market Services and a new Market Manager.

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Sustainable South Kesteven Effective 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 Operational Markets Action Plan was introduced following an independent review into the governance and financial issues of the market operations. A number of corrective measures have been implemented to address the concerns raised which are identified within the report and Appendix 1.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer.

Legal and Governance

1.2 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 (Governance and Public Protection and Monitoring Officer)

Risk and Mitigation

1.3 The mitigation measures implemented within the Action Plan has reduced the exposure of risk to the Council and the recent appointment of a Market Manager will further enforce those requirements. Overall progress is within the report and Appendix 1.

Completed by: Tracey Elliott, Governance & Risk Officer

Health and Safety

1.4 Safety related works have been carried out which include the maintenance of existing equipment/provision of new equipment and ancillaries. Any outstanding work is now being managed and monitored by the new Market Manager, with support from Corporate H&S, so that all Health & Safety requirements are met under the Health & Safety at Work Act 1974 and other relevant safety legislation.

Completed by: Phil Swinton, Emergency Planning and Health & Safety Lead

Human Resources

1.5 Concerns in respect of staff arrangements (contracts of employment, job descriptions, change in pay grades) have now been addressed following consultation with staff. Final contracts were issued on the 8thJanuary 2024. This safeguards both the employees and the Council.

Completed by: Fran Beckett, HR Manager

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 the towns for centuries. They are an integral part of the cultural and economic life of the district.

2.2 However, following an independent review of the market operations in 2023, a number of concerns were raised around the governance of the Market Service, in particular the operational and financial practices of the service.

2.3 An Action Plan identifying required corrective measures was put in place (see updated Appendix 1) and updates have been provided to the Governance & Audit Committee in June 2023 and September 2023.

Employment Arrangements

2.4 The original market review identified several areas of concern, which included the vacant post of a Markets Manager, along with staff not having appropriate job descriptions or contracts of employment which led to their methods of working, not reflecting the Council's pay policy.

2.5 An integral role to any successful market operation is the post of Markets Manager 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 its strategic direction. Following two unsuccessful recruitment processes a new Market Manager was appointed and has been in post since 30th October 2023.

2.6 The arrangements relating to market staff is a complex and highly sensitive area of work especially given the ‘custom and practice’ that has operated for many years. A 30-day consultation (with staff) commenced on the 30th October 2023. Toward the end of the consultation market staff advised of queries about flexibility of contracts. Approval was given to extend the consultation period to accommodate further meetings and discussion.

2.7 Final contracts were issued early in January 2024. There are now 17 market staff on permanent contracts and 3 on casual contracts. The following changes to terms and conditions have been implemented with effect from 1st January 2024

- An updated contract of employment
- A revised job description
- Change in pay grade

2.8 Most of the market workers will now be paid an annual salary at a set grade; this means each will receive a consistent and regular amount of pay each month plus any additional hours worked during the month. They will also be entitled to paid holidays.

Waste Collection and Disposal

2.9 Current waste collection and disposal methods remain; street cleansing and waste disposal functions for the Grantham and Stamford (Friday) markets are undertaken by market staff. The costs of collection and disposal of trade waste has effectively been historically subsidised and should not continue in the long term.

2.10 Traders at the Saturday markets at Stamford and Bourne are required to remove their own waste.

2.11 The appointment of the Head of Service and Market Manager creates an opportunity to introduce more consistent and effective methods of waste management.

2.12 Street cleaning, waste collection and disposal are an intrinsic element of any market operation, and any future markets strategy and operation would need to include this as it impacts on the environment and aesthetic of the markets.

2.13 Under the Environment Act 2021, the principle of ‘producer pays’ and digital waste tracking will be made mandatory. It is essential that traders remove their own waste or establish a trade waste collection contract; otherwise, traders and the council are at risk of being fined by the new scheme administrator.

Income Collection

- 2.14 A significant area of concern in the original market operations review was that a number of traders were making cash payments for the hire of their stall/pitch. This was a risk to the Council and to the officers designated to collect the fees.
- 2.15 Following the successful trial of a card payment system, traders are now required to pay either by this method or by direct debit.
- 2.16 There are still a small number of traders paying by cash but the newly appointed Head of Service (Waste and Markets) is working with the Market Manager to eliminate cash payments.

Operations

- 2.17 A significant amount of work has taken place in a short period of time by the Market Manager; this work continues. Stalls at Bourne market have been checked and repaired by the original supplier. The stalls used at Stamford are currently being repaired; once completed the operative carrying out the repairs will move to Grantham market. Delays occurred whilst seeking a specialist qualified contractor with the requisite documentation to do the work.
- 2.18 A new Code of Practice has been drafted and is currently being reviewed. It is hoped this will be available from April 2024.

Health & Safety

- 2.19 The markets operated in much the same way for many years and risk assessments and method statements had not been reviewed. These are now in progress and should be completed by February 2024. These will be reviewed at least annually and also as and when required (e.g. in response to any accident or near miss) to ensure they remain responsive to the changing health and safety risks and issues relevant to the continuation of markets within SKDC.

3. Key Considerations

- 3.1 The Action Plan was developed to address concerns and expedite the necessary changes to spoor practices and unsatisfactory arrangements identified by the independent review of markets. Many of these issues have been long running, complex, sensitive and have reduced the resilience of the service whilst increasing the risk to the Council.
- 3.2 The appointment of a new Market Manager on 30th October 2023, and a new Head of Waste Management and Market Services on 15th January 2024, will provide a more 'hands on' approach to the operational management of the

markets, in order to return it to 'business as usual' whilst providing a direct communication point for traders, staff and visitors.

3.3 The new staff members will also continue to address any outstanding concerns highlighted in the Action Plan - Appendix 1, and, with colleagues, look at the long-term commercial viability of the market which in turn will influence the future market operations.

4. Other Options Considered

4.1 None. This report is providing an update on a pre-agreed action plan and there is no requirement for other options at this time.

5. Reasons for the Recommendations

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

6. Consultation

6.1 Consultation with market staff has formalised areas of employment, including job descriptions, contracts of employment (casual / permanent) and pay grades. These arrangements were finalised in January 2024 to bring them into line with the Council's pay policy.

7. Appendices

7.1 Appendix 1 – Market Service Operational Review – Action Plan