



Dorchester Markets Informal Joint Panel

Date: Wednesday, 16 December 2020
Time: 2.00 pm
Venue: Virtual / MS Teams + OB

Membership: (Quorum 3)

Jean Dunseith, Alistair Chisholm (DTC), Janet Hewitt (DTC), Susie Hosford (DTC), Tony Lyall (DTC), Robin Potter (DTC), Dave Bolwell, Simon Gibson, Jill Haynes, Nick Ireland, Molly Rennie, Jane Somper, Roland Tarr and John Worth

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please telephone Democratic Services on 01305 or David Northover, Democratic Services Officer 01305 224175 david.northover@dorsetcouncil.gov.uk



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Members of the public are invited to access this meeting with the exception of any items listed in the exempt part of this agenda. **The link below will provide the means for the press and public to view proceedings on the day.**

MS Teams Outside Broadcasting Service Virtual meeting link –
https://youtu.be/lsK_mOCnCMU

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than **8.30am on Monday 14 December 2020**. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a Councillor who is not on the Board wishes to address the Board, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by **8.30am on Monday 14 December 2020**.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name, together with a summary of your comments will be

recorded in the minutes of the meeting.

Please refer to the guide to public participation at committee meetings for general information about speaking at meetings included as part of this agenda (see agenda item 4 - Public Participation).

Using social media at virtual meetings

Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

A G E N D A

Page No.

1 ELECTION OF CHAIRMAN

To elect a Chairman of the Panel for the remainder of the year 2020/21.

An opportunity to welcome new appointees to the Panel.

2 APPOINTMENT OF VICE-CHAIRMAN

To appoint a Vice-Chairman of the Panel for the remainder of the year 2020/21.

3 APOLOGIES

To receive any apologies for absence.

4 MINUTES

5 - 10

To confirm the minutes of the meeting held on 29 January 2020.

5 DECLARATIONS OF INTEREST

To receive any declarations of interest.

6 PUBLIC PARTICIPATION

11 - 12

To receive any public questions or statements on the business of the Dorchester Market Joint Informal Panel.

7 TERMS OF REFERENCE

13 - 14

To note the Panel's Terms of Reference.

8 PRESENTATION OF AN OVERVIEW OF DORCHESTER MARKETS

To receive and consider a presentation of an overview on Dorchester markets.

- 9 FINANCIAL OUTTURN 2019-20** 15 - 20
- To consider the financial outturn 2019/20.
- 10 MARKET MANAGEMENT REPORT** 21 - 22
- To consider an oral report on Market Management – complemented by the latest Ensors’ report.
- 11 CAR BOOT FUND**
- To consider an oral report on the Car Boot Fund.
- 12 MARKET MATTERS**
- To provide the opportunity for consideration to be given to any outstanding matters relating to the management or operation of Dorchester markets.
- 13 DATE OF NEXT MEETING**
- To confirm the date of the next meeting of the Panel – Wednesday 27 January 2021 at 2.00 pm, via MS Teams.
- 14 URGENT ITEMS**
- To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.



DORCHESTER MARKETS INFORMAL JOINT PANEL

NOTES OF MEETING HELD ON WEDNESDAY 29 JANUARY 2020

Present: Cllrs Tony Alford, Alistair Chisholm, Janet Hewitt, Susie Hosford, Tony Lyall, Robin Potter, Molly Rennie, Roland Tarr and John Worth

Apologies: Cllrs Dave Bolwell and Nick Ireland

Officers present (for all or part of the meeting): Greg Northcote, Ben Lancaster, Dave Martin, Roger Greene, Adrian Stuart, Chris Evans and David Northover

11. Apologies

Apologies for absence were received from Councillors David Bolwell and Nick Ireland.

12. Minutes

The minutes of the meeting held on 26 June 2019 were confirmed and signed.

13. Declarations of Interest

There were no declarations of interest to report.

14. Public Participation

There was no public participation at the meeting.

15. Budget/Financial Outturn 2020/21

The Dorchester Markets budget and financial outturn for 2020/21 was considered by the Panel the detail of which was explained by officers in how this budget was allocated and applied and what income had been generated and expenditure incurred. Appendix 1 to the report set this out in detail.

The Panel noted that projected outturn expenditure was £42,087, compared to an approved budget of £41,587, with the projected outturn income being £165,941, compared to an approved budget of £182,374 – this reduction resulting largely to a further projected fall in income from the market operator. The market operator's accounts to 30 September 2019 showed market rents received for the year to date of £69,795, compared to £81,055 in the previous Year, with the proposed distribution to the Panel, after expenses, being

£14,000 less than budget.

The income from farmer's markets was also less than budgeted and was explained in the market management report. The income for car boot sales was slightly down too, compared to the same time last year.

All this meant that the sum available for distribution was £123,854, compared to the budgeted sum of £140,788, with Dorset Council receiving £68,220 compared to a budget of £78,642. Dorchester Town Council would receive £36,734, compared to a budget of £42,346, after setting aside the car boot proceeds into the markets grant reserve.

The proposed expenditure budget was £41,926, the proposed income budget being £165,198 on the assumption that the market operator's contract income was the same as the 2019/20 projected outturn of £48,000, bearing in mind that this had declined steadily over recent years.

Overall, this meant that the surplus available for distribution was £123,272: with Dorset Council due £67,842 and Dorchester Town Council £36,530.

The Panel acknowledged how the budget was comprised and the reasons for this and took the opportunity to make their observations known. They understood and accepted what part circumstances had played in the budget position and recognised that officers had managed this as effectively as they could so as to enable the surpluses to be allocated as beneficially as they might.

Resolved

That the annual budget for 2020/21 be approved.

Reason for decision

To ensure the governance of the Dorchester Markets finances was applied.

16. Distribution of Grants from the Dorchester Market Car Boot Fund for the Financial Year 2018-19

The Panel received an update on the distribution of grants awarded from the Dorchester Car Boot Fund during 2019, together with an illustration of the type of organisations; local projects; initiatives and activities which benefited from the fund, as a result of the income generated by the weekly Sunday Car Boot Sale held at Dorchester Market.

The Dorchester Market Car Boot Fund was financed entirely by the income from the car boot sales with applications for it being made between 23 January 2019 and 31 March 2019. Information about how to apply to the fund was accessible locally and on the Dorset for You website. A total of 45 applications had been received; 8 fewer than the previous year. The Grant Awarding Panel had met in July 2019 to consider the applications, and assessed them against the necessary criteria and on the merit of each, being allocated on their relevant necessity and benefit. How initiatives were being

delivered and the benefits they brought were critical considerations in the way in which the fund was allocated.

In total, 31 community and voluntary organisations had been successful, and the total amount awarded was £15,739. Any unsuccessful projects were directed to where they could gain access to alternative funding streams as necessary to see if they might be able to benefit from those. Successful projects also had the opportunity to access these, as necessary, so as to supplement their funding options.

Mention was made of the celebration event held the previous autumn for all those successful groups in being able to interact with each other and discuss what benefits their particular projects brought.

The Panel were pleased to see how the fund was being used and how beneficial this would be to the viability and success of projects and initiatives in them being able to contribute towards what Dorchester had to offer.

Resolved

That the distribution of the Dorchester Market Car Boot Fund for the financial year 2018-19 be endorsed

Reason for Decision

So as to ensure the available funding was allocated so as to be as beneficial as it could be to Dorchester.

17. Market Management Report

The Panel received the Dorchester Market Management report on what arrangements were in place for it to operate, the basis for this, and how it worked in practice. The report set out the relationship between Dorset Council, Dorchester Town Council and the operators, Ensors; the details of the Market Agreement by which the operations were governed and; what were the management arrangements that were overseen and monitored by the Panel. How the market was performing; what could be done to improve how it was operated and; what it could achieve were set out in the report along with evidence as to why performance was as it was and the reasons why this was not as it might be.

Arrangements for the lease of the site were outlined with Ensors having the rights to hold a weekly market on Wednesdays and a Car Boot Sale on Sundays. Ensors undertook the management of the market and were required to provide periodic financial reports, the latest being set out in the exempt appendix to the officer's report. Market tolls were set by agreement with the Council.

Whilst unfortunately market revenues had been falling for many years owing to the changing pattern of retailing, internet purchasing, and general trends of markets failing to meet the requirements of today's consumers, its core business was still seen to provide a valuable, and valued, contribution to the

vitality of Dorchester, not least from the numerous visitors it generated - some specifically coming to Dorchester on coach trips for this sole purpose - with it being agreed that the market remained successful in what it had to offer.

To assess how to optimise how the market was run, officers had previously commissioned for the Panel a report from NABMA in respect of the market operations, a Dorchester Market Survey to assess the public's view of the market and had presented a discussion paper called a Vision for Dorchester Market. These proposed operational improvements and site maintenance works to support the market. Members considered that this might now prove to be enlightening and that it could be revived to see what part it might play in improving the market's performance.

Ensors Market Operators Report cited poor trading conditions and bad weather throughout the autumn along with the perceived dilapidated condition of the site had all contributed towards the poor level of performance being seen. However the Panel were informed that the allocated budget had been fully apportioned with reserves being drawn on to address essential repairs to the roofs and gates and security improvements had been made - with a new CCTV system in operation. Sub metering of the electric and water supplies on the site also enabled a more efficient and accurate measurement of power consumption so that any recharging was more accurate to users for the first time. How other maintenance works was being undertaken was explained, with any maintenance underspend being proposed to be allocated to replenish the Maintenance Reserve Fund.

Ensors had reported declining revenues for many years and the Panel had reviewed means to improve performance. The Panel were invited to instruct officers of both Councils to review the Ensors report and what proposals were being made, assess this and report back what they considered to be any meaningful proposals that could address the declining revenue arising from the market operation.

Cornhill Market - how this was operated and the licences in place were outlined, as well as the annual fee and rents paid and was seen to be successful, operating on most weekdays and Saturdays.

The Dorset Farmer's Market operated on occasion between New Road and Cornhill and unfortunately experienced a challenging year owing to, a combination of the lack of demand from stallholders and inclement weather. Whilst committed to maintaining their presence, agreement between the Panel and the Dorset Farmer's Market on what progress could be made had failed to materialise for practical reasons as well as concerns on the part of traders at the reduced footfall from the closure of integral town centre shops; spending habits being suppressed; how the market had to be configured; logistical constraints and; food hygiene. How this could be addressed was being actively considered and it was anticipated that a satisfactory solution could be found, including a rationalisation of the tolls required so as to encourage increased participation by traders.

The Farmers Market in Poundbury continued to be successful with its cliental being satisfied with the produces available and prices charged.

Cornmarket – providing a popular alternative and additional means that the public were able to access goods and produce, their terms of the lease governing this - with Duke's Auctioneers continuing to hold over under the terms of their expired lease. The reasons for this was explained and how this was proposed to be addressed drawn to the Panel's attention.

The Panel noted the differing scenarios with regard to trade and performance of the different market entities. It was disappointing to see the decline in performance and returns from the weekly Dorchester market but the reasons for this were understood and recognised. However, the Panel considered that, in recent years, significant investment had been made in the infrastructure of the site to benefit Ensors and what it was able to offer. The point had now been reached where emphasis could only be placed on maintaining the conditions of the site, rather than being able to make further improvements.

The Panel welcomed the opportunity for an informal briefing before their next formal meeting in the summer on what options there were for the market's operations and management in the future and how this could be best achieved. Having access to the previously commissioned NABMA report - which had subsequently been shelved – might well prove to be of some value in options for consideration and serve as some basis for how the market could operate successfully going forward.

The Panel acknowledged the benefits of the market and what it not only had to offer in itself as an entity – as a means of trading goods, services and produce which might not otherwise be readily accessible directly between suppliers and public - but its wider value and contribution too, in attracting visitors to the town and what that too had to offer. Moreover, in being an historic market town, the essence of maintaining a viable and successful market was critical to the fabric and vitality of Dorchester. Issues for consideration would be how the market operated; how it could best adapt to meet the needs of today's consumer; what the means of doing this would be; what arrangements were necessary to achieve this; what rental, licencing and contractual arrangements were necessary to secure its continuation; and how it could improve its efficiency to ensure its viability was maintained. The Panel wanted it to be successful and continue contributing to the economy of the town and be seen as a social and community asset for years to come.

Some members considered that it could take a lead from what the Cornhill market was doing and the way in which this was operating successfully.

Whilst recognising the challenges the market faced as a commercial enterprise the Panel considered that there was a considerable will to see it succeed. Maintaining a positive relationship between both Councils and Ensors was essential in this being achieved and members saw no reason why this shouldn't be the case. It was in the interests of all parties for this to happen and, by holding the informal briefing, a means of doing this might be identified so as to ensure the long term successful future of this valued asset.

Resolved

- 1) That senior officers from both Councils be instructed to review future strategy and management arrangements to address the declining trend in market performance.
- 2) That the financial settlement and revised stall tolls for the Farmers Market be approved.
- 3) That the content of the report be noted.
- 4) That any underspend in the repairs budget be transferred to the Market Repair Reserve.

Reasons for Decisions

- 1) To reconcile the financial position and future licensing of the Dorset Farmers Market.
- 2) To ensure that Members are kept informed of progress in respect of management and development of the various markets.
- 3) To ensure that maintenance liabilities are being addressed and that funds held in reserves can be applied to fund maintenance if required.

18. Urgent Items

There were no urgent items for consideration at the meeting.

Duration of meeting: 2.00 - 4.00 pm

Chairman

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Dorset Council

Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the committee.
2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am two working days prior to the date of the committee – i.e. for a committee meeting on a Wednesday written statements must be received by 8.30am on the Monday. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the committee agenda. The agendas for each meeting can be found on the Dorset Council website
<https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1>
3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.
4. The representations made by members of the public will be read out, in the order in which they were received, by the Chairman or an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your representation will be read out if the same point has been made by another representation and already read to the Committee.' The time period for the receipt of the written representations will remain at 15 minutes, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit.
5. This addendum applies to members of public (whether objecting or supporting an application, town and parish councils, planning agents and applicants.

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DORCHESTER MARKETS INFORMAL JOINT PANEL - TERMS OF REFERENCE

(a) This Panel will carry out its functions subject to the Lease dated 26 June 2001 to T. Ensor and Son (Dorchester) Limited and any subsequent variation, renewal or replacement of that Lease.

(b) Constitution. Six (6) elected members to be appointed by the Dorchester Town Council. Eight (8) Members of the Council, of whom two (2) should represent wards wholly or mainly within the area of the former Dorchester Borough Council (except where such appointment would result in an appointee being a member of the town council). Where such an appointee subsequently becomes a member of the Dorchester Town Council that member shall cease to be a member of the Informal Joint Panel and Dorset Council shall then consider the appointment of an alternative member not being a member of the town council.

(c) Previous operational duties of the Panel (now currently exercised by T. Ensor and Son (Dorchester) Limited under the terms of their Lease)

(i) Day to day control and management of the markets and tolls at the sites and locations on which the same are existing or entitled at the 1st October 1978.

(ii) Hours of opening.

(iii) Arrangement of stalls.

(iv) Agreements and licences for market tenants.

(v) Insurance pertaining to Market days. Version 6 54

(d) Duties of the Panel that are still to be exercised by the Panel

(i) Appointment to the posts of Clerk of the Markets and Deputy Clerk of the Markets and other markets personnel.

(ii) The settlement of financial matters, review of rents, fees, tolls and charges relating to the market operation, subject to the budget and other arrangements referred to in the 1984 Agreement relating to Dorchester Market.

(iii) Frequency of meetings and times.

(e) Duties of the Panel that are now to be exercised in conjunction with Dorset Council or Town Council

(i) Grant or renewal of leases, tenancies, etc. for periods not exceeding 3 years.

(ii) Matters affecting food hygiene and food safety. (NB: Subject to the powers and duties of Dorset Council under the relevant statutes and at common law).

- (iii) Extension of days on which markets operate.
- (iv) Arrangements for market and car parks on market days.
- (v) Financial regulations and audit.
- (vi) the making of byelaws and regulations governing the use of the market.
- (vii) Prosecution under market byelaws and legal proceedings within the purview of the committee subject to proper legal advice.
- (viii) Insurance pertaining to non-Market days.

Dorchester Markets Joint Informal Panel 16th December 2020 Financial outturn Report 2019/20

For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Executive Director: J Sellgren, Executive Director of Place

Report Author: Christian Evans
Title: Finance Service Manager
Tel: 01305 838312
Email: Christian.evans@dorsetcouncil.gov.uk

Report Status: Public

Recommendation:

That members of the panel approve the income and expenditure statement for 2019/20

Reason for Recommendation:

To enable Members of the Panel to consider and approve the Accounts for the year ending 31st March 2020.

1. Executive Summary

Markets in Dorchester have operated since Anglo Saxon times, and are prescriptive. Under an agreement dated 1984 the markets are managed by Dorset Council for the benefit of Dorset Council and Dorchester Town Council with operational oversight carried out by the Dorchester Markets Joint Informal Panel. The Markets income and expenditure is held within the accounts of Dorset Council. The Panel receives a report on the annual budget and the annual outturn.

2. Financial Implications

As detailed in the report

3. Well-being and Health Implications

None

4. Climate implications

None

5. Other Implications

None

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW as the fall in income was anticipated

Residual Risk: MEDIUM as there could be a further loss income

7. Equalities Impact Assessment

None

8. Appendices

Appendix 1 – Financial Outturn 2019/20

9. Background Papers

Financial statements from the Cornhill Traders and the Market Operator

1. Budget 2019/20

- 1.1 The Panel agreed a budget for 2019/20 at a meeting in 29th January 2019. The expenditure budget was set at £41,587, the income budget at £182,374 leaving an estimated surplus for distribution of £140,787

2. Outturn 2019/20

- 2.1 The ledger entries for the year ended were based upon the Market Operators management accounts to 31 March 2020.
- 2.2 The market operator's income was below the expected budget of £84,000. The Markets Panel only received £64,217. This has resulted in a reduced surplus to be distributed amongst the partners.
The Farmers Market income was double the expected budget because it included 2018/19 income, which should have been

accrued in the previous year. It is worth noting that we have not actually received this income at this point.

2.3 The total income for the year was £160,546 compared to the budget of £182,374. The main variance was a reduction in the fee paid by the market operator. The decrease from the Cornhill Traders relates to a credit note of £4,329 relating to 2018/19.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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	(A) Budget 2019/20 (£)	(B) Outturn 2019/20 (£)	(C) Variance (£)
EXPENDITURE			
Premises			
Repairs and maintenance	19,600	19,600	0
Electricity	0	3,052	-3,052
Water	0	-173	173
Insurance	2,200	880	1,320
2/7 share of actual costs of toilets	2,200	1,978	222
	24,000	25,337	-1,337
Supplies and Services			
Subscriptions	636	716	-80
	636	716	-80
Recharges			
Dorset Council	15,327	15,327	0
Dorchester Town Council	1,624	1,655	-31
	16,951	16,982	-31
TOTAL EXPENDITURE	41,587	43,036	-1,449
INCOME			
Rents			
Market Operator Contract	-62,000	-48,225	-13,775
Car Boot	-22,000	-15,992	-6,008
Cornhill Traders	-26,500	-21,645	-4,855
Rents- Corn Market and Cafe	-21,150	-21,150	0
Farmers Market	-2,400	-4,800	2,400
Rival Market Fee	-500	-910	410
Fairfield Car Park	-47,824	-47,824	0
TOTAL INCOME	-182,374	-160,546	-21,828
SURPLUS	-140,787	-117,511	-23,277
DISTRIBUTION OF SURPLUS			
Sunday Car Boot Reserve	19,800	14,393	-5,407
Dorset Council	78,642	67,027	-11,615
Dorchester Town Council	42,345	36,091	-6,254
	140,787	117,511	-23,277
Market Maintenance Earmarked Reserve			
Balance b/f 01.04.2019	7,986		
Transactions 2019/20	15,079		
Balance c/f 31.03.2020	23,065		

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Dorchester Market – Operator’s Report For the period 1st April to 30th November 2020

Income and Expenditure – Wednesday Market

The gross income for 1st April 2019 to 30th November 2020 totalled £44,167 compared with a figure of £ 91,367 for the same period in 2019.

Income and Expenditure – Sunday Car Boot Sale

The gross income for 1st April 2019 to 30th November 2020 totalled £12,883 compared with a figure of £32,267 for the same period in 2019.

Tolls

The current market toll structure at the present time is:

Covered Market £14 per trestle table
 £15 per wall trestle table

Outside Market £25 per pitch

Covered Outdoor Area £25 per pitch

South Linnies £25 per pitch

The current car boot toll structure at the present time is:

Covered Market £ 7 per trestle table
 £ 8 per wall trestle table

Outside Market £ 8 cars
 £14 vans

Covered Outdoor Area £ 8 per pitch

General

Unfortunately this has been an exceptionally difficult year for trading due to the CoVid 19 Pandemic. This has necessitated in the closure of the Market for short periods during lockdown followed by lengthy periods of

restrictions on selling “Essential Items” only. This has resulted in a substantial drop in income.

In view of the substantial reduction in income of the Market this year and the fact that restrictions will be in place until at least Spring 2021 we consider that our monthly payments on account should be agreed at £3000.00 (Three thousand pounds) per month.

We look forward to 2021 with hope on the horizon with mass vaccinations and a return to normal trading.

We are still anxious to discuss the future of the Market and improvements.

I would like to take the opportunity to state that Ensors & Son Ltd are totally committed to the Market and we avidly try to encourage new traders to attend to support the Market.

Mr Brendon George
For and on behalf of
T Ensors & Son Ltd