

FUTURE OPERATION OF FAIRFIELD MARKET, DORCHESTER

Brief Summary

Fairfield Market is currently operated under a 25-year operating lease to T.Ensor and Son which is due to expire on 2 April 2026. A new operator is required from this date and Dorchester Town Council has expressed interest in this role. The Town Council would also oversee the operation of Cornhill Market in South Street, Dorchester.

Governance of market arrangements is provided by the Dorchester Markets Joint Informal Panel (Market Panel) consisting of elected members from both councils, and its terms of reference would require amendment to reflect these changes.

This report seeks authority for officers to negotiate and enter into a suitable operating agreement with the Town Council and refresh the Market Panel terms of reference.

Recommendations

1. That the Council enters into an agreement with Dorchester Town Council for the operation of Fairfield Market and Cornhill Market by the Town Council under the governance of the Market Panel.
2. That authority is delegated to the Interim Executive Lead for Place in consultation with the Director of Legal and Democratic Services (and their nominated officers), to facilitate the necessary agreement with Dorchester Town Council for the operation of Fairfield Market and Cornhill Market.
3. That similarly, the terms of reference for the Dorchester Market Joint Informal Panel be revised to provide effective governance for the arrangements.

Reason for Recommendations

To ensure the effective operation of Fairfield and Cornhill markets, providing a valuable community resource.

1. Background

- 1.1 The town of Dorchester has long held market rights and in 1629, a Royal Charter established the Borough of Dorchester as a body corporate and confirmed the right to operate market rights, fairs and tolls. Following local government re-organisation in 1974, all land and property belonging to the former Dorchester Borough Council was transferred to and vested in West Dorset District Council. An agreement was entered into by the District Council and Dorchester Town Council on 24 February 1984 setting out the arrangements for joint operation of the Dorchester Markets (Cornhill and Fairfield) which still applies today.

- 1.2 The 1984 agreement initially provided for the creation of a 'Dorchester Markets Joint Committee' constituted of 15 members from the Town Council and the District Council. The Joint Committee oversaw the day to day operation of the Market, with a 99-year lease granted to Market Trustees by West Dorset District Council for use of the Fairfield site. Under the lease, the trustees were required to hold the property for the sole benefit and use of the District Council and the Joint Committee and were required to act at all times in accordance with the direction of the Joint Committee as to the market operation and to the direction of the District Council (now Dorset Council) in all other matters.
- 1.3 The current market operator, T Ensor & Son, was awarded an operating lease in 2001. The lease transferred many of the powers previously exercised by the Joint Committee to the current operator, to enable the market to operate as a business. As the lease greatly reduced the powers and functions of the Joint Committee, the District Council and the Town Council agreed, by way of a protocol dated 18 November 2010, to dissolve the Joint Committee in favour of the creation of an Informal Joint Panel with reduced terms of reference.
- 1.4 This lease to the current operator terminates in 2026. The Market Panel has considered the options for the future operation of the market but the decision lies outside of the Panel's terms of reference and must be made by the Town Council and Dorset Council individually.
- 1.5 The main options are to undertake a procurement process and award a new contract to the successful tenderer or, to bring the operation of the market 'in-house' and for it to be directly managed, as it was by the former Joint Committee. Dorchester Town Council has expressed interest in operating the market on behalf of both authorities from 2026. Directly managing the market has benefits including;
 - Better control over the offer by the market to the local community and greater flexibility to change this;
 - Increased proportion of the surplus income returned to the councils and local charities;
 - Easier coordination of market activities in the locality.
- 1.6 The risks of an 'in-house' operation include greater financial exposure (although relatively small in amount) and insufficient experience in the sector. The Town Council would address this latter point by ensuring access to a suitably experienced Markets Manager, the cost of which will be met by market income.
- 1.7 For investment in the infrastructure, commitment to a reasonable period of operational control is necessary. The current operating lease has been in place for 23 years, and investment was made including the provision of an indoor market hall and covered pitch area. The market would benefit from further

investment and bringing The Linneys (former livestock pens) back into an appropriate use.

- 1.8 The Council's Assets & Regeneration service has initially indicated support for a 10-year operating term with an option to extend by mutual agreement. The Council's Legal and Procurement services have also been consulted and are confident that an agreement and amended terms of reference for the Market Panel can be resolved with the Town Council. Many town councils operate markets successfully, Bridport is a good example, but the historical shared governance arrangement in Dorchester is more unique and complex.
- 1.9 Dorset Council's interest in the market rights will be unaffected by this proposal, being neither released nor transferred to the Town Council. An agreement would be granted to the Town Council to operate the Wednesday Market and Sunday Car-Boot. The terms of reference for the negotiation of the agreement would include;
- For an initial period not exceeding 10 years;
 - Extendable after the initial period by review and agreement of both parties;
 - Extent of market operation limited to the traditional market area and not including the Fairfield Car Park;
 - That the Council's financial position is protected.

In addition, the terms of reference for the Dorchester Market Joint Informal Panel, would be amended to ensure effective governance of the arrangement.

- 1.10 The Cornhill Market operates from Cornhill and along part of South Street consisting of a number of pitches for use every day except Sundays and Bank Holidays. The predecessor Market Authority, West Dorset District Council, granted the rights. A nominated traders representative organises the pitch allocations and liaises with the Market Panel. Should the Town Council operate Fairfield Market, it seems appropriate that Cornhill Market is included in the arrangement.
- 1.11 The Market Panel has recently approved a monthly Dorchester Artisan Market, similar to those operating in Sherborne and Shaftesbury. The market extends from the Borough Gardens into the town centre and up to Brewery Square with local traders producing their own goods. The feedback has been excellent and the market is seen as a valuable and colourful addition. Poundbury Farmers Market is also operating successfully on a monthly basis from Queen Mother's Square.

- 1.12 Subject to approval, officers will work with Dorchester Town Council and the Market Panel, to produce and enter into a suitable agreement for the operation of Fairfield Market and the oversight of Cornhill Market by the Town Council under the governance of the Market Panel with revised terms of reference.
- 1.13 Dorchester markets provide a vibrant addition to the local economy and an alternative, affordable offer for a range of goods and services. They deliver a small income to both councils and support a community grant programme funded from a Sunday market. Fairfield Market is still a draw from outside of the area however, its footfall has been in decline and its offer and infrastructure needs a re-refresh. The proposal outlined in this report will provide an adaptable and resilient solution for the future life of the markets.

2. **Financial Implications**

Securing a new operator for the market from the end of the current operating lease will help to ensure the financial stability of the market and income to the Council.

In 2023-24, the total income from Fairfield and Cornhill Markets including rents and car park income was £132,000.

3. **Natural Environment, Climate & Ecology Implications**

None identified.

4. **Well-being and Health Implications**

The market provides a range of food, clothing, household items at competitive prices, providing an alternative offer to residents and visitors.

5. **Other Implications**

A thriving market adds to the retail environment and footfall in the town centre. The Wednesday Market still attracts visitors by coach who also shop in the town centre and at nearby Brewery Square.

6. **Risk Assessment**

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. **Equalities Impact Assessment**

Officers will ensure that agreements/leases prepared as a result of this work are subject to an EqIA. Particular consideration will be given to improving access to a market environment for people with protected characteristics. Recent work has been undertaken by the Council with the help of funding partners, to improve the physical access for pedestrians to Fairfield Market.

8. **Appendices**

Nil.

9. **Background Papers**

Terms of Reference Dorchester Markets Joint Informal Panel, 1 April 2011.
Protocol to establish Dorchester Markets Joint Informal Panel, 18 November 2010.

Fairfield Market Operating Lease to T. Ensor & Son, 26 June 2001.

West Dorset District Council and Dorchester Town Council Fairfield Market Agreement, 24 February 1984.

Graham Duggan

19 November 2024.