



Report To:	Cabinet
Date:	19 th February 2025
Subject:	Boston Markets Policy and Severe Weather Policy review
Purpose:	To Present for Members Consideration an Update on the General Policy for Managing Boston Market/s and the Boston Market Severe Weather Policies,
Key Decision:	No
Portfolio Holder:	Councillor Dale Broughton – Deputy Leader
Report Of:	Phil Perry – Assistant Director, Leisure & Culture
Report Author:	David Smith – Markets Manager
Ward(s) Affected:	All
Exempt Report:	No

Summary

The Markets Service last reported to Cabinet on 27 March 2024, and following the implementation of the Boston Markets Development Plan, the Markets Service has undergone a full-service review in line with the South and East Lincolnshire Councils Partnership's (SELCP) Annual Delivery Plan.

This review highlighted the need to review the current Market and Severe Weather Policies, as a priority as the service evolves, to ensure the market is operated efficiently, consistently, and safely. This report details the draft revised and new policies for the service.

The purpose of the new Market Policy (**Appendix 2**) and Severe Weather Policy (**Appendix 3**) is to set out the matters the Council will take into account when considering and undertaking its duty to provide and manage its markets. It details the responsibilities of the council in official guidance of the policy for the Council to act in a particular way and the expectation set of the traders.

This report has also gone before the Environment and Performance Scrutiny Committee on 11 February 2024.

Recommendations

That Cabinet approves the updated draft Market Policy (**Appendix 2**) and Severe Weather policy (**Appendix 3**) as provided in this report.

Reasons for Recommendations

To enable members to review, comment, and challenge the information presented, and consider the new measures being proposed.

Other Options Considered

To not progress the reviewed draft Markets Policies. This has been discounted to ensure through a review, the commitments made by the Council's Cabinet are delivered against, to ensure the market is operated efficiently, consistently, and safely.

1. Background

1.1 The Markets Service last reported to Cabinet on 27 March 2024, and following the implementation of the agreed Boston Market Development/Action Plan, a review of the service, has been undertaken in line with its actions, including associated policies. This report details the draft revised and new policies for the service. This report also includes the current Market Policy appended as **Appendix 1** as a point of reference.

2. Report

2.1 The purpose of the Market Policy is to set out the matters the Council will take into account when considering and undertaking its duty to provide and manage its markets. It details the responsibilities of the council in official guidance of the policy for the Council to act in a particular way and the expectation set of the traders. The Markets Policies have been reviewed for the 2025/26 financial year and is attached as **Appendix 2**.

2.2 Markets Policies are reviewed annually to update fees and charges and minor changes to wording, but following the review of the service, it was determined that a wider review of the policy was also needed.

2.3 The review of the Markets Policies was undertaken with some extensive research of other local authority Markets policy and draws on best practice from them all. The policy also considers an increase of traders that don't necessarily have English as their first language, so it aims to make the policy terms clearer, using uncomplicated, basic wording as much as possible.

2.4 Within the draft Market policy, some of the principal changes to consider, aim to make the policy clearer and as accessible as possible, and are as follows:

- The Tenant mix has been made clearer.
- There is a new requirement for new traders to provide risk assessments if using their own stalls/equipment.
- New requirement for all new traders to pay only via Direct Debit.
- Charity stalls to be allowed to stand free, once a quarter, instead of a once a year, officers believe that it is better to filling the spaces available, rather than leaving them empty. If space becomes limited, traders will have priority.
- Clarity on fees when trading directly from a vehicle, and a minimum charge introduced for any pitch which isn't currently in place.
- New incentives added for new casual traders and traders that haven't traded at Boston for 12 months. This has the potential to raise additional revenue, so whilst there is space on the market, these offers would be a great tool for the future marketing and promotion of the market. Offers not available to traders on debt repayment plans or who have previously served a suspension with BBC.
- There is a debt repayment warning added, to remind Traders of timely payments of invoices, and late invoice payments are to be strictly monitored with disciplinary proceedings for those breaching the policy.
- Holiday entitlement has been made clearer, with traders holiday increased from 4 to 5 days for Traders who trade at a single Market each week, and 8 to 10 days for Traders who trade at both Markets each week.
- Inclement weather day entitlement increased from 1 to 2 for Traders who trade at a single Market each week, and 2 to 4 days for Traders who trade at both Markets each week.
- Significant changes have been made to the disciplinary procedures, with the Trader conduct section updated.
- Information on selling second-hand goods on the market has been added.
- Information on the provision of electric and generators used on the market.
- Erect and dismantle time for gazebos also added.
- Trading hours reduced by 30 minutes but instead, a strict compliance to not pack away until 30minutes prior to core trading hours ending. It's been noted that some traders are packing away earlier than the core trading hours. Feedback from traders is that customer behaviour has changed over the years, with most of their customers attending the market earlier leaving trade past 2pm very quiet. So, by enforcing this strict compliance, customers will have consistent trading timetable at each market.
- Emergency procedures have been added.
- The Fees table has been moved to a dedicated fees section.
- Health and safety inspection form for Market Officer, dismantling instructions for Council staff and trader application form removed from main body of the policy.

2.5 The Markets Service has also experienced changing weather patterns that have led to increasing numbers of storms affecting the markets, with higher windspeeds more often that can be dangerous due to the nature of gusts of wind being unpredictable. A new more formalised Severe Weather Policy has therefore been drafted in collaboration with the health and Safety Manager, to mitigate against the changing weather throughout the year, this draft policy is appended as **Appendix 3**.

2.6 The aim of the Severe Weather Policy is to determine when and how the decision to restrict or close a market is taken as it can cause a lot of disruption with the potential for financial and logistical impacts for all concerned, and therefore is never taken lightly. Its key priority is to protect the public, traders, and staff safety in the event of any severe weather which would affect any open-air market or event operated by Boston Borough Council. The policy should apply in the following circumstances:

2.6.1 A severe weather warning is in force and has been issued by the Met Office or,

2.6.2 in the opinion of the Markets Manager there is a risk to safety due to adverse weather conditions.

2.7 The objectives of the Severe Weather Policy are:

2.7.1 To comply with the Council's duties and obligations to its staff, traders, and members of the public under the Health and Safety at Work Act 1974.

2.7.2 To comply with the Council's common law duties under the Occupiers Liability Act 1984.

2.7.3 To comply with the Council's insurers.

2.7.4 To ensure any decision to close or restrict a market is taken fairly, consistently, and transparently and is communicated to all parties as soon as a decision is made.

3. Conclusion

3.1. The Boston Market Policies have been developed to support accountability within the service to deliver strategically and operationally what is required from this important borough asset.

3.2. In conclusion the draft Boston Market Policies have been reviewed and updated in line with the evolving markets service and best practice and are presented to the Environment and performance Scrutiny Committee for its consideration with a view to seeking feedback prior to submission to Cabinet on 19th February Cabinet 2025.

Implications

South and East Lincolnshire Councils Partnership

The Boston Market Policies are an integral part of a Partnership approach to delivering a more sustainable markets service. The Policies sit under the Boston Town Centre Strategy and Action Plan 2023-27, which recognises the contribution to the economy that Boston Town Centre plays in the South and East Lincolnshire sub-region as a wider strategic economic hub and the South and East Lincolnshire Councils Partnership from a place making perspective.

Corporate Priorities

The proposed Plan aligns to the following Sub-Regional South and East Lincolnshire Council Partnership priorities:

- Priority 1: Growth and Prosperity
- Priority 2: Healthy Lives
- Corporate Priority: Efficiency and Effectiveness

Staffing

None.

Workforce Capacity Implications

None.

Constitutional and Legal Implications

The Council's Markets are required to conform to the requirements of charters granted in 1308 for weekly Wednesday and Saturday markets, and 1545 through Boston's Charter of Incorporation.

Data Protection

There are no specific data protection implications to report as a consequence of the development of the report.

Financial

There are no direct financial implications to note regarding this report.

Risk Management

The Policies aim to mitigate against risks within the Markets Service.

Stakeholder / Consultation / Timescales

The Policies have been developed following engagement work with the Portfolio Holder, Lead Officers and Partners.

Reputation

The Policies support work to uphold the reputation of the Council by promoting an efficient and effective service that safeguards the appropriate use of the Boston Market for members of the public.

Contracts

None.

Crime and Disorder

There are no key implications relating to crime and disorder as a consequence of this report.

Equality and Diversity / Human Rights / Safeguarding

None.

Health and Wellbeing

None.

Climate Change and Environmental Implications

None.

Acronyms

BBC – Boston Borough Council

Appendices

Appendix 1	The current Boston Markets Policy 2024
Appendix 2	The draft Boston Markets Policy 2025
Appendix 3	The draft Boston Market Severe Weather Policy 2025

Background Papers

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed.
Boston Market Update & Development Plan	Boston Market Update Development Plan Report.pdf

Report Approval

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