

POLICY AND RESOURCES COMMITTEE – 21 JANUARY 2020

COUNCIL - 25 FEBRUARY 2020

PART I - NOT DELEGATED

8. REVOCATION OF DELEGATED POWERS TO HOLD A MARKET IN ST ANDREWS ROAD SOUTH OXHEY DUE TO RELOCATION OF THE MARKET AS PART OF THE SOUTH OXHEY DEVELOPMENT (CED)

1 Summary

1.1 The current market operated by Watford Rural Parish Council (WRPC) at St Andrews Road precinct is due to be relocated shortly as part of the redevelopment of South Oxhey. Countryside Properties Ltd (CS) has been working with TRDC and WRPC to move the market to Prestwick Road and a suitable site and facilities are already in place. Officers at the Council have been in discussions with WRPC which are ongoing over the practicalities and exact timings. CS will facilitate the physical infrastructure for the new market place. WRPC are responsible for procurement, appointment (following TRDC agreement) and overall management of the market operator.

2 Details

2.1 In July 1990 this Council delegated its statutory powers under Section 50 of the Food Act 1984 to hold a market to WRPC following a request from the Parish for a market to be established in St Andrews South Oxhey. As a consequence of the market being relocated from St Andrews as part of Phase 3 the Council should now formally revoke that delegation. It is recommended that members agree to a further delegation of such powers to the WRPC to hold a market in the new location at Prestwick Road.

2.2 Once the permission for the existing market is revoked the Council will want to ensure the new market is fit for purpose in terms of operation, appearance and offering, enhancing and adding to what is currently being delivered in the new district centre. WRPC will provide the Council with a Business Plan showing how this will be achieved once they have procured a new operator and undertaken the discussions concerning parking for traders.

2.3 A Plan showing the current location of the market is shown as Appendix 1 and the proposed new location is attached as Appendix 2.

3 Options and Reasons for Recommendations

3.1 There are no other options as St Andrews Road/precinct is required under the development agreement with Countryside and as part of phase 3 by 31st March 2020. The Council has already made the TRDC (Land at Henbury Way etc.) Compulsory Purchase Order 2016 with a General Vesting Date of 20 March 2020. WRPC are aware of the dates.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council's agreed policy and budget as part of the whole redevelopment of South Oxhey.

5 Financial, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website

5.1 None specific.

6 Legal Implications

6.1 Section 101 of the Local Government Act 1972 enables the Council to delegate its statutory powers under Section 50 of the Food Act 1984 to establish a market

6.2 The Council is entitled to revoke that delegation of powers at any time

6.3 The Council is able to delegate such powers in the future and to require the Parish Council to obtain **all** necessary consents and permissions to operate the market as their own responsibility as is the present case.

6.4 In view of the market charter, Watford Borough Council can restrict the setting up of a market within 6.6 miles of the centre of Watford. WRPC were required to obtain all necessary consents for the current market and it will be their responsibility to ensure they have consent for the new location. Officers are advised that WBC has agreed to the new proposal.

6.5 The Council has a Compulsory Purchase Order in place for the redevelopment of South Oxhey district centre.

7 Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact? There is no proposal to change policy. The Council will be asked to delegate its powers to hold a market in the new agreed location which has superior facilities currently provided at St Andrews	No
Did the relevance test conclude a full impact assessment was required?	Not applicable

8 Risk and Health & Safety Implications

8.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

8.2 The subject of this report is covered by the Land and Property team. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
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No delegation of powers to hold a market	No market	Meet with Parish Council and Countryside to finalise details	Tolerate	3
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8.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
2	4	6	8	
Low	Low	Low	Low	
1	2	3	4	
Impact ----- Low -----> Unacceptable				

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

8.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

9 Recommendation to Council

9.1 That on or before the 20 March 2020 the Council revokes the powers delegated to Watford Rural Parish Council in 1990 to hold a market at St Andrews Road, South

Oxhey and that the Chief Executive be authorised to formally revoke that delegation and to take all necessary steps in connection with the revocation

9.2 That the Council using Section 101 of the Local Government Act 1972 agrees to delegate its powers under Section 50 of the Food Act 1984 to Watford Rural Parish Council to hold a market in Prestwick Road South Oxhey on the basis that the Parish Council will seek and obtain all necessary permissions licences and consents to operate a market at Prestwick Road at its own cost

9.3 That the Chief Executive (in consultation with the Leader of the Council and Ward Councillors) be authorised to agree and approve:-

- 8.3.1 all the specific details around the delegation including, but not limited to, the date the delegated powers can be exercised from, the actual location of the market in Prestwick Road and any decisions on the Operator of the market
- 8.3.2 the Business Plan to be produced by Watford Rural Parish Council

Report prepared by: David Saunders, Consultant Surveyor and Anne Morgan, Solicitor to the Council

Data Quality

Data sources: None

1	Poor	
2	Sufficient	
3	High	

Background Papers

Report and minutes of Strategy Committee 3 July 1990

Report to Council and minute

APPENDICES / ATTACHMENTS

Appendix 1 Plan showing location of current market

Appendix 2 plan showing proposed new location