



Devizes
Town Council

www.devizes-tc.gov.uk

DEVIZES TOWN COUNCIL

You are summonsed to attend a meeting of the Devizes Town Council Committee at the following, place and date.

Date: 10th March 2022

Time: 7.00 pm

Venue: Ceres Hall, The Corn Exchange, Devizes

Enquiries: Town Hall - Tel: 01380 723333

Councillors:	Bridewell	Britten	Brown
	Burton	Corbett	East
	Gay	Geddes	Giraud-Saunders
	Greenwood	Hopkins	Hoult
	Hunter	Nash	Oliver
	Ormerod	Pennington	Rose
	Stevens	Wallis	Wooldridge

AGENDA

1. MINUTES

To approve as a correct record and authorise the Chairman to sign the minutes of the Meeting of the Council held on the 16th December 2021.

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE(S) OF INTEREST

To receive any disclosures by a Councillor(s) and/or Officers in matters to be considered at this meeting in accordance with the provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

4. To receive announcements and communications.

5. To answer questions (if any) under standing order No. 15.

6. MINUTES OF MEETINGS FOR INFORMATION

Since the last meeting of the Council on 16th December 2021, the following Committees have taken place whose minutes have been approved as a correct record and signed by the appropriate committee chairman.

The minutes of these meetings have been previously circulated to all members.

COMMITTEE NAME	COMMITTEE DATE
Planning	4 th January 2022
Planning	18 th January 2022
Planning	1 st February 2022
Planning	15 th February 2022
Planning	1 st March 2022
Community & Civic Resources	4 th January 2022
Community & Civic Resources	15 th February 2022
Recreation & Properties	18 th January 2022
Recreation & Properties	1 st March 2022
Personnel	1 st March 2022

NOTE: Before dealing with the next item (No 7) the Council will wish to consider whether or not to suspend Standing Order No 5 (members to stand when speaking). If the Standing Order is to be suspended, it must be done by way of a proposition, duly seconded and carried.

7. REPORT FOR DECISION – APPOINTMENT OF INTERNAL AUDITOR – R HOPKINS ACCOUNTANCY AND TAXATION SERVICES LTD

Recommendation

The committee is requested to agree officers' recommendation that following the retirement in April 2022 of Mr A Morrison, the Council's current internal auditor, the Council appoints R Hopkins Accountancy and Taxation Services Ltd through its principal practitioner Mr Richard Hopkins, to undertake the Council's quarterly internal audits.

Purpose of the Report

To appoint R Hopkins Accountancy and Taxation Services Ltd as internal auditors for the 2022/23 financial year.

Background

At the end of each financial quarter, financial work and processes are scrutinised by a council appointed internal auditor.

The internal auditor needs to confirm the internal control objectives:

- Appropriate accounting records have been properly kept throughout the year.
- The body's financial regulations have been met, invoices supported payments and expenditure were approved and VAT was appropriately accounted for.
- The body has assessed the significant risks in achieving its objectives and reviewed the adequacy of arrangements to manage these.
- The annual taxation or levy or funding requirement resulting from an adequate budgetary process: progress against the budget was regularly monitored: and reserves were appropriate.
- Expected income was fully received, based on current prices, properly recorded and promptly banked; and VAT was appropriately accounted for.
- Receipts properly supported petty cash payments, expenditure was approved and VAT appropriately accounted for.
- Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied.
- Asset and investment registers were complete and accurate and properly maintained.
- Periodic and year-end bank account reconciliations were properly carried out.
- Accounting statements prepared during the year were prepared on the correct basis (receipts and payments/income and expenditure), agree with the cash book, were supported by an adequate audit trail from underlying records, and, where appropriate, debtors and creditors were properly recorded.

Regulation 6 of the Accounts and Audit Regulations 2003 as amended imposes a duty on local councils to 'maintain an adequate and effective system of internal control of its accounting records and of its system of

internal control in accordance with the proper practices in relation to internal control’.

At the end of the 2021/22 financial year, once the internal audit has been signed off, Mr Alistair Morrison will be retiring. Officers have approached the Council’s recently retired Finance Manager, through his trading company, R Hopkins Accountancy and Taxation Services Ltd, to take on our internal audits. We have been careful to ensure there is no conflict of interest, as Mr Hopkins will only start auditing financial records for the financial year 2022/23, which he will have had no hand in compiling.

Officers have discussed this with the Finance Working Party, who have raised no objections, although they do recommend the appointment should last no longer than five years.

Options Considered

The Council needs to decide if it wishes to agree this recommendation.

Implications & Risks

Financial and Resource Implications

Budget provision has been made to meet the cost of internal auditing.

Legal Implications and Legislative Powers

The Accounts and Audit Regulations 2003 impose a duty of internal control.

Environmental Implications

Officers are not aware of any environmental implications associated with this decision.

Risk Assessment

Officers are not aware of any risk associated with this decision.

8. REPORT FOR DECISION – SELECTION OF DEPUTY MAYOR NOMINATION FOR THE CIVIC YEAR 2022/23

Recommendation

The Council is asked to agree the Council’s nomination for the Deputy Mayor for the coming Civic Year 2022/2023.

Purpose of the Report

For the Council to agree if it wishes to nominate a Deputy Mayor for the Civic Year 2022/23 and if so, who it wishes to put forward.

Background

Traditionally the Council uses the March meeting to nominate a Councillor for the office of Deputy Mayor for the forthcoming year.

Whilst the appointment of Deputy Mayor cannot be made until the first meeting of the new civic year, which will be at Mayor Making on 19th May 2022. Whilst it can only be seen as a preference on behalf of Council, it will provide both the nominated Councillor and the Council some clarity around the preparation for the new civic year.

Options Considered

The Council needs to decide if it wishes to nominate a Councillor as Deputy Mayor for the Civic Year 2022/23.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any financial or resource implication for the Council associated with this decision.

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence.

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

9. REPORT FOR DECISION – FUTURE PLANS FOR THE SHAMBLES AND MARKET PLACE

Recommendation

That the Council reviews and acknowledges the work of the three Shambles working parties then considers and agrees any recommendations put forward.

Purpose of the Report

For the Council to review the work of the various Shambles working parties undertaken to date and to decide what actions should be taken forward.

Background

At a meeting of the Full Council on the 14 October, it was agreed that the Council establishes two new working parties to help determine if the Shambles and Market Place are suited to meet the changes and challenges that are likely to occur in the market industry and our high streets over the next 15 to 20 years.

Set out in this agenda is a summary of the work done to date, with recommendations, supported with a more detail in reports attached to the agenda.

Strategic Working Party; the role of this working party is to ensure that the Shambles has a successful long-term future by consulting with the community and wider stakeholders to produce a 15- and 20-year vision which will set out how the Shambles, alongside the Market Place, will support the wider town economy.

The members of this working party are: Councillors Britten, Brown, Gay, Oliver, Hopkins and Hunter.

Set out in ([doc 9/1](#)) are notes from the last working party. What is clear from that meeting is that whilst the working party are thinking about elements of the Shambles that may be desirable to include within any possible refurbishment of the building, the next stage is a community-wide consultation programme. To facilitate that, the working party have drawn up a consultation questionnaire ([doc 9/2](#)) for the community and anyone who may have a view on the future of the building, which will be supplemented on a number of stakeholder engagement events.

Set out below is the consultation strategy proposed by the working party.

Shambles Initial Consultation Strategy

To help the Town Council understand the community's aspirations for the future of the Shambles, as many groups, organisations, businesses

and individuals as possible will be encouraged to engage in the consultation.

In the run up to the consultation, the Council has started to develop four objectives that they feel the Shambles should achieve in the future and part of this initial consultation is to test the effectiveness of these objectives.

At this time, the Council has made no decision about what the future for the Shambles may be; therefore, this is the opportunity for the community to help determine how the building will meet the needs of future generations who may shop and use the town centre in a different way.

The consultation will run for six weeks from Saturday 12 March to Monday 25 April 2022.

Alongside the consultation there will be an awareness campaign via social media and print.

Consultation groups	Method of Consultation	Location	Time Period
General consultation for the wider community and anyone with a general interest in the future of the Shambles	Survey Monkey questionnaire	On-line via website and social media	Full consultation period
	Survey Monkey questionnaire which can be accessed via council equipment	Town centre consultation days	26 March / 6 April
	Paper Survey to mirror on line survey	Available from the Town Hall and Shambles	Full consultation period
Shambles Traders	Group Discussion	Shambles	1st week of the consultation period
Arts Groups	Group Discussion	Town Hall	2nd week of the Consultation period
Clubs and Societies	Group Discussion	Town Hall	3rd week of the consultation period

Local Businesses	Group Discussion	Town Hall	4th week of the consultation period
------------------	------------------	-----------	-------------------------------------

Within 2 weeks of the consultation period the results will be reported back to Full Council, before the results are published on-line.

In looking at the future of the Shambles, the Strategic Working Party want to develop a Vision with four core requirements, these are set out below

- *The Shambles Indoor Market should be a tourist attraction and should encourage tourism*
- *The Shambles is an important part of our local history and the changes we make will acknowledge and reinforce that history*
- *The Shambles should be a place which attracts local residents and visitors alike and is a community asset*
- *The Shambles is an integral part of the Town Council's Vision for the historic centre of Devizes."*

To enable the Shambles Strategic Working Party to progress their mandate, they are asking the Full Council to agree the following.

1. To note the meeting notes of the Strategic Working Party 16th February and agree the work to date is in line with their mandate;
2. To agree the four core requirements as detailed in this agenda for any future vision for the Shambles;
3. Agree the Shambles Consultation Survey as set out in this agenda;
4. To agree the Consultation Strategy and time line as set out in this agenda.

Operational and Financial Working Party; the role of this working party is to review traders' contracts, performance data and wider management processes and methods.

The members of this working party are Councillors Bridewell, Geddes, Greenwood, Stevens and Wallis.

Set out in ([doc 9/3](#)) is the interim report from the Shambles Three Working Party, which sets out their initial findings, conclusions and recommendations. The interim report does not cover all the areas set out in the terms of reference, as these will be covered under the final

report, but it does focus on operational areas that will support their understanding of processes that will be looked at in the future. The areas concentrated on within the interim report are as follows;

- Traders Contracts
- Performance Data
- Revenue Processes

The detail of each reviewed area is contained within the full report; however, the report does make a number of recommendations for each area and which have been summarised within this agenda report.

To enable the Operational and Finance Working Party to progress their mandate, they are asking the Full Council to agree the following.

- Traders Contracts
 - That all unit traders should have a comprehensive lease which provides some security to all parties;
 - Any new lease should be reviewed by the Recreation and Properties Committee (or a working party on its behalf) before being issued, to ensure that it aligns with the councils' aspirations for the Shambles;
 - That processes are drawn up by the Market Manager to record annual reviews of licences and any other documents such as risk assessments and Insurances. These should be stored securely;
 - The Market Trader Regulations should be added to the regular policy reviews undertaken by the Recreation and Properties Committee;
 - That the practice of subletting the Shambles be further reviewed by this working party, as a matter of urgency, both in relation to the conclusions drawn above but also with a mind to the ongoing business model (increasing turnover & profitability). Recommendations should then be made;
 - The Market Manager should be asked to prepare a criteria and procedure which could be used as part of an application procedure for new licences and leases. This should go to the Recreation and Properties Committee for review.
- Performance Data
 - That officers are asked to undertake a market analysis using the current business model to forecast viability over the next 5 – 10 years in a “do nothing” scenario. This to be reviewed and scrutinised by this group before presentation to Council;
 - The Council should consider asking officers to produce a business plan, to be scrutinised by the Recreation and

Properties Committee before being presented to Full Council for adoption, which would seek to prioritise maintaining viability of the asset and identify future risks and opportunities for growth.

- **Revenue Processes**
 - That officers produce, with urgency, a written process for the collection of money from the Shambles traders and units. This should be reviewed and approved by the Recreation and Properties Committee as part of their role in providing oversight to the operation of the Shambles.
 - That officers explore the possibility of accepting automated payments from Shambles traders and units and report back to the Recreation and Properties Committee on the practicalities of this.

Initial Shambles Working Party; In addition to the Strategic and Finance & Operational working parties, the Initial Shambles working party, have recently met with traders and are completing their preliminary work. Attached to this agenda are the notes from that meeting for information ([doc 9/4](#))

Options Considered

The Council needs to acknowledge the work done to date and decide if the initial work undertaken by each of the working parties gives sufficient information to progress the project and if so, to agree the recommendations set out within the agenda.

Should the Council decide it cannot progress the project because of an absence of information, it needs to agree what further information is needed to make an informed decision about the future of the Shambles and Market Place.

Implications and Risks

Financial and Resource Implications

Set out in the 2021/22 Council budget, the Council agreed £30,000 for undertaking a feasibility study to upgrade the facilities and make it a flexible space that will ensure its viability for the next generation. A further £50,000 was added to the 2022/23 budget.

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence

Environmental Implications

At this time, officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

At this time, officers are unaware of any risk implication for the Council associated with this decision.

10. REPORT FOR DECISION – UPDATE ON THE WORK OF THE LOCAL CYCLING AND WALKING INFRASTRUCTURE PLAN

Recommendation

The Working Group is recommending that Devizes Town Council fully supports the planned actions and initiatives being proposed in this agenda, and agrees that reasonable Town Council resources can be used to support partnership activities.

Purpose of the Report

The Town Council is being asked to support the recommendation, so that a detailed proposal can be drawn up.

Background

This paper is an update on the work of the Sustainability Working Group which is now making plans to build on the outcome of the Sustainability Survey, where the community's priorities are to:

- Reduce waste,
- improve biodiversity and
- improve the infrastructure for active travel (cycling and walking) to reduce traffic.

The following initiatives are detailed within the report.

- Local Cycling and Walking Infrastructure Plan (LCWIP)
- Sustainability Day Sat 11th June 2022.
- Creating a vision for a 'sustainable community'

Local Cycling and Walking Infrastructure Plan (known as a LCWIP)

Wiltshire Council and Cycle Friendly Devizes have received a proposal from the contractor who will write the Local Cycling and Walking Infrastructure Plan. The Council has previously been briefed the Government approved process to produce an LCWIP at its meeting in December.

An essential stage of the process is public consultation which in the proposal is scheduled for May and June this year; however, Cycle Friendly Devizes have raised concerns and commented that the proposal only plans for an online consultation using a mapping tool and a virtual workshop.

Both Cycle Friendly Devizes and Wiltshire Council will be seeking to ensure that there is a much fuller consultation that will include using the Sustainability Day on 11th June to demonstrate proposed cycling and walking infrastructure and seek the views of the community. The infrastructure that will underpin active travel and facilitate behaviour change needs community support.

Sustainability Day 11th Saturday June '22

Saturday 11th June falls in National Bike Week, which Cycle Friendly Devizes wishes to mark and it coincides with consultation for the Local Cycling and Walking Infrastructure Plan. This represents an opportunity to showcase not just how plans are being developed for active travel but also to demonstrate what can be done to reduce waste and improve biodiversity. Indie Devizes have agreed to participate and a planning group has been formed.

Creating The Vision For A Sustainable Community

The survey and resulting plans make a start towards creating a 'Sustainable Community' but to realise the statement of intent, a broader base within the community needs to be built. This broader base needs to be drawn from across the community, businesses and services (health, education etc) so that there is wide scale participation and support for the plans. Wide scale support will need a clear explanation of sustainability and the goals for achieving it.

Currently the Sustainable Working Group uses a broad definition based on the intersection of economic/business, environment and social dimensions. The definition is too broad to build partnerships and needs elaboration in the context of Devizes, therefore needs contributions from stakeholders (business, organisations and groups) from each dimension. This can be achieved through creating a vision for a sustainable community. The participation in the vision creation will provide broad ownership of it across the community.

It is recommended that the Town Council through the Sustainable Working Group, uses its network to engage stakeholders to participate in an event(s) later in the year to create the "Vision". A more detailed proposal will be brought forward in due course.

Options Considered

The committee needs to decide if it supports the recommendation as put forward by the Sustainability working party.

Implications and Risks

Financial and Resource Implications

There may be some low level financial and resource implication for the Council associated with a decision to support the Sustainability Event, which will be funded from the sustainability budget and a staff time allocation.

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

11. TO PASS THE FOLLOWING SEALING RESOLUTION

THAT the Common Seal of the Council be affixed to or the Town Clerk do sign on behalf of the Council where appropriate any Orders, Deeds or Documents necessary to give effect to any of the matters and recommendations contained in the reports received and adopted at this meeting or other decisions of the Council thereat.

12. QUESTION TIME

A short time is allowed at the discretion of the Town Mayor for councillors to ask questions on matters which are not on the current agenda but which are related to matters which have been previously discussed on an agenda relevant to the committee.

At least 24 hours' notice must be given to officers of the intended question. All other matters should be raised on an agenda and the request should be submitted through the Town Clerk

13. PUBLIC PARTICIPATION

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions addressed to the Chairman concerning the administration, function or responsibilities of the Council or upon a matter, which was the subject of debate at the meeting. A person may also be permitted to make a statement or address the Council upon a matter of concern to that person which is relevant to local government, or to the Council's administration or upon a subject, which may be of general interest to the Council. A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Council for this item of business.



Town Clerk

Strategic Working Party (The Second Shambles WP)

Meeting Three

16th February 2022

1. Attendance and Apologies

The Councillors Working Party (WP) consists of Councillors Britten, Brown, Gay, Hopkins, Hunter and Oliver. Councillor Brown was absent for this meeting, but had given written input.

2. Background

As of now we have not taken into account any feedback from the Shambles 3 WP.

3. Interpretation of the Brief

The WP believes that its remit should be extended to cover the area from the Market Place to the Wharf, with a focus on the Shambles and on the car parks behind and in front of the Shambles. This can be thought of as four areas;

1. The New Park Street Car Park
2. The Shambles Indoor Market
3. The Market Cross Area of the Market Place, bounded by HSBC / the Market Cross / The Shambles.
4. The Wharf area

4. WP Objectives

- a. To develop a Single DTC Vision of the whole site, with a view to encouraging more use from residents and tourists
- b. To improve the footfall, accessibility and attractiveness of the zone within its remit.
- c. To extend the hours during which the Shambles is an asset accessible to the Town
- d. In coming to its conclusions, develop different, **realistic** scenarios without undue cost
- e. To take into account the views of all relevant stakeholders, having actively engaged with a good cross-section thereof.

5. The Interim Plan

The development of the long term plan will take a long time, as there will need to be extensive consultation, feasibility studies and negotiations. It is important that we did not waste time and money working on scenarios that would stand no chance of support from Wiltshire Council from a Heritage / Planning perspective. We are taking a 10 - 20 year view for the long term plan but we are committed to making tangible, visible progress in the interim.

6. Interim Plan

Councillors Agreed that the brief to officers for the interim project should comprise :

- a. Removal of the shutters to the units on the higher level with a view to those units becoming shop fronts
- b. Refurbishment of the two entrances and potential installation of glass doors, with some insulation and anti-vandal protection
- c. CCTV
- d. To Work in conjunction with Wilts Council to make the back entrance more appealing
- e. Lower hall area to retain flexibility to encourage and draw in frequent evening events
- f. Anchor F&B tenant ,potentially, in lower half to occupy up to one-third of that area – discussions with existing tenants necessary
- g. Tourism Stand in the centre of the Shambles, sign-posted from elsewhere in the town
- h. Re-wiring / re-painting only as necessary to avoid duplication
- i. Potentially, DTC badging and branding
- j. An Area / community space to be considered
- k. “banners” for stallholders

This should be delivered by the beginning of April 2023.

7. Second Stage Consultation

First Stage consultation had been conducted with the Traders. In parallel with the Interim Plan, Second Stage Consultation would be carried out to support a brief for consultants, with a view to the long term plan. It would encompass ;

- a. Primarily, the General Public of the four wards and Devizes Rural West
- b. The Traders
- c. The Chamber of Commerce
- d. Wiltshire Council and Councillors
- e. DOCA
- f. Devizes Arts Festival
- g. Devizes Food Festival
- h. Federation of Small Businesses

We would work with the Community Engagement Manager in this regard. Obvious channels include local Radio, Facebook, other social media and The Messenger.

We would be keen to complete this work before briefing consultants so that we had a good range of public feedback and also in the knowledge in broad outline at least of what might be acceptable to Wiltshire Council.

This should be delivered by the beginning of May 2022.

8. The Long Term Plan

Long term strategic planning will begin with the benefit of the output from the Second Stage Consultation. Our aim is to have completed the draft long term plan by September 2022. If the findings are agreed by Full Council, we will then instruct consultants accordingly and as appropriate to come up with concepts to put to Third Stage Consultation, this to be completed by the end of February 2023. The product of this will be an approved concept to form the basis of feasibility studies and business plans which should be well advanced by the end of September 2023.

9. Monitoring and Reporting

The Shambles 2 WP will meet with Officers monthly to review progress and will debrief all councillors at Full Council and Forward Planning meetings.

10. Timeline

Approval for this paper	March 2022
Interim Plan commences	April 2022
Second Stage Consultation	May 2022
Long Term Planning commences	September 2022
Concept Design	February 2023
Third Stage Consultation	February 2023
Feasibility Studies	September 2023

RSO 17th February 2022



Shambles Consultation Survey

As part of a plans for the future of the Shambles, we want to know how as a member of our community or a visitor, you use the building and what you would like to see it sell in the future.

“Devizes Town Council is stipulating four core requirements in its Vision for the Shambles :

- The Shambles Indoor Market should be a tourist attraction and should encourage tourism
- The Shambles is an important part of our local history and the changes we make will acknowledge and reinforce that history
- The Shambles should be a place which attracts local residents and visitors alike and is a community asset
- The Shambles is an integral part of the Town Council's Vision for the historic centre of Devizes.”

1. The Council feels that in the future, the Shambles should meet 4 key objectives. Tick which ones you agree with.

- The Shambles should encourage business enterprise
- The Shambles should support community events and activities
- The Shambles should be a safe welcoming space to meet alongside its food & beverage offering
- The Shambles should actively promote the town as a great place to visit
- Are there any other objectives we should include.

- None of the above

2. Are you aware that there is an indoor market that runs most days in Devizes?

- Yes
- No

3. When was the last time you visited the market to shop?

- Today
- This Week
- Last Week
- Last Month
- Last Year
- Not for a long time

4. Were you successful in making a purchase?

- Yes
- Couldn't find what I was looking for
- Never think about looking in the Shambles for shopping
- No, only ever pass through it

5. On average how often do you visit the Shambles Market?

- Daily
- Weekly
- Monthly
- Only when showing visitors around the town
- Only when I am looking to buy an unusual or special gift
- Never

6. How regularly do you come into the town centre to shop?

- Daily
- Weekly
- Monthly,
- Only when showing visitors around the town,
- Only when I am looking to buy an unusual or special gift
- Never

7. What are the barriers to you shopping in the Shambles?

- There are no barriers as it sells what I need
- There is rarely anything that I want to buy
- I never shop in Devizes
- I was not aware of the Shambles Market

8. What items of shopping would entice you to shop in the Shambles?

- Antique
- Household goods
- Café with food
- Selection of Farmers Market products
- Craftware
- Flowers and plants
- Wines and spirits
- Availability of take away street food
- Other (please specify)

9. Do you think that the Shambles indoor market should be one of the cornerstones of the town's shopping offer?

- Yes
- No
- Not sure
- Haven't got an opinion

10. How would you describe yourself?

- Living in Devizes town
- Living in Devizes' rural hinterland
- Living in a nearby town
- A visitor to Devizes

11. What age group would you put yourself in?

- Under 10
- 10-17
- 18-30
- 31-60
- 61-75
- 75+
- Rather not say

Shambles 3
Interim Report to Full Council
10th March 2022

Purpose of this Document

This report sets out the initial findings, conclusions, and recommendations of the Shambles 3 working party. There will also be a final report which it is intended will be presented to the next scheduled Full Council meeting. During the course of its work the Shambles 3 group has been handling commercially sensitive information which will not be included in this report as it is to be made available to the public. The final report will be produced in two versions with a complete version distributed to Councillors and a redacted version made available to the public. Officers will be asked to assist to ensure that only sensitive information is removed and that as much detail as possible is made available to a wider audience.

Background

The Shambles Market Hall was transferred to Devizes Town Council by Wiltshire Council during the 2019 asset transfer. Since then it has broadly followed the same business model as that run by Wiltshire Council as the assumption was that at some point it would be “redeveloped” as part as the overall plan for the Devizes Market Place redevelopment. Following discussions about the future of the Shambles and public & trader unease at the perceived direction of the project a working party was set up to examine the issue.

The first working party (Shambles 1) worked with traders to look at their areas of concern and listen to proposed solutions. Some immediate actions were identified, costed, and put in to action but it was clear that more work was needed on future plans. Two further working parties were set up; one to look at the future vision for the shambles (Shambles 2), and the other to look at the business and operational model (Shambles 3).

Membership of the group

Shambles 3 was made up of the following Councillors:

Councillor Bridewell
Councillor Greenwood
Councillor Wallis

Councillor Geddes
Councillor Stevens

With Contributions from

Councillor Oliver

Councillor Hoult

Terms of Reference

The terms of reference (ToR) for Shambles 3 are to gain an understanding, review, and make proposals concerning:

- Trader Contracts
- Shambles Performance and data
- Revenue processes
- Market Health and Safety policies and their implementation
- Council market management processes and methods
- The Wiltshire CIL Living Room project

The Report

The group has now met twice to receive and review documents provided by the Town Councils Officers. A considerable amount of information has been received and whilst there are still areas where the group feels that a more in-depth look would be beneficial the group members would like to thank officers for their help and cooperation.

This Interim report will cover three of the six areas which the group was asked to investigate:

- Trader contracts
- Shambles performance and data
- Revenue processes

It was decided to concentrate on these three subjects initially to ensure they were reviewed thoroughly. There was also consensus in the group that council market management practices should be tackled last as all the other areas would inform that strand. The intention is to either cover the remaining three projects in a second interim report or simply present them as part of the final report. Whichever avenue is considered most appropriate the group commits to presenting its complete findings at the next scheduled full council meeting.

Trader Contracts

Background

Concerns had been raised that there was confusion over what contracts traders were issued with and how the Shambles operates for different groups of traders. Council asked the group to establish what the current situation is and make any recommendations for approval. In order to carry out this work Officers provided the group with the following information:

- Unit Lease
- Permanent Trader licence
- Casual Trader Licence
- Market Trader regulations

Summary

There are broadly three categories of traders operating in the shambles, defined as follows:

- Unit Traders
- Thursday & Saturday Traders
- Subletting Hirers & Traders

Unit Traders

It is the groups understanding that traders who occupy a unit sign a lease with the Town Council and fill in a trader's licence. The lease appears to have the usual conditions for a commercial property though the working party is told that currently they are all functioning on a weeks' notice. We are further informed that in the new financial year new leases will be offered, details of this lease have not been provided. The unit traders also fill in a licence when they begin trading, this should be updated annually when the market manager undertakes insurance checks. The main purpose of the licence is to see what products are being sold.

Thursday and Saturday Traders

The traders on Thursdays and Saturdays are issued a weekly licence when they begin trading. This licence follows the same purpose as the unit licence and is renewed automatically on a weekly basis then reviewed annually. There is no formal contract though, through the licence, traders do agree to abide by the market trader regulations which could be regarded as a memorandum of understanding (MoU). This category of traders would also include those in the outside market and farmers market though they are not the current focus of this report.

Subletting Hirers & Traders

There are three regular hirers of the shambles who pay a flat rate and then resell the pitches to traders. The group has been given details on the amount paid for each hire but because this information could be considered commercially sensitive names and amounts have not been included in this report. The days the Shambles is sublet are:

- Hirer 1 (Sunday and Monday) Flat Rate
- Hirer 2 (Tuesday) Rate per bay sold
- Hirer 3 (Wednesday & Friday) Flat Rate

Officers have confirmed that there is currently no written agreement with these traders and it is believed there has never been one though hirer 1 states he had an agreement with Kennet District Council (prior to 2009). It was decided when taking on the Shambles that the current arrangements with these hirers would stand to reassure them that the Council would not end their hire.

The traders who trade on the sub hired days do not fill out a licence and it is not known whether they provide insurance details, do risk assessments, or agree to comply with the market trading regulations. It should be noted that a number of these traders do trade on Thursdays and Saturdays as well so would sign a licence for these days.

List of traders & Contract Types

A list of Current Shambles Traders and their tenancy type has been provided to the group and will be provided to councillors though it has not been included in this report as it may be regarded as commercially sensitive.

As a summary, traders both in the top and bottom end of the Shambles tend to stay fairly long term with most having traded since 2019 when the Town Council took over or since 2020.

Awarding Licences

The Market Manager decides who is awarded a licence. There does not appear to be a written list of criteria and experience is used to decide who should receive the licences. The points considered by the market manager are:

- *How prepared are they?*
- *Do they have any experience?*
- *Do the goods to be sold complement the surrounding market and traders?*
- *Duplication? Balance of trade?*
- *Not compatible with out trading requirements, Re Days / Times of trade?*
- *No space available?*

Any potential trader who is not awarded a licence, or should a licence be removed, can appeal the decision with the Market Manager. If they do not feel happy with the explanation given they can escalate the matter to the Town Clerk. There does not appear to be a formal process/form for doing this though it does follow the Town Councils main complaints and grievance policy.

New traders are highlighted in reports to the Recreation & Properties Committee. To date no trader has been asked to leave the shambles through when a problem did arise the Market Manager interviewed them with another Officer at the Town Hall and both parties reached an agreement to terminate the contract. It is not clear how this meeting was recorded or if it was reported to Council. It is not clear if a written process exists for such occurrences

Conclusions

The following conclusions have been reached:

Unit leases and Licences

The unit lease appears to be robust and broadly similar to that used for commercial properties. It is not clear what the purpose of the additional licence is or whether every unit based trader has both a lease and a licence. It has been made clear that a new lease will be offered to traders and this could be an opportunity to combine the lease and licence in to one document for the Unit traders. The drawing up of a new lease could also allow the council to ensure that the terms offered to traders occupying the units better align with the overall goals of the shambles which will be set by Full Council following the reports from working parties.

It is understood that the lease currently allows only one weeks' notice to terminate and it is not clear if a security deposit is held or not. This obviously presents a financial risk to the Town Council but is likely an attraction to new traders looking for somewhere to start their business. Drawing up a new lease which protects all parties but still allows flexibility is likely a good idea but any new lease must seek to achieve the goals set in any Shambles business plan

Thursday and Saturday Traders

The working party understands that all Thursday and Saturday traders rent directly from the council, fill out a license when first trading, and agree to abide by the Market Trader Regulations. It is understood that licences are reviewed annually when insurances are checked but it is not clear if or how this is recorded and what procedures are followed if a change of terms is required. The Market Trader Regulations appear to be a detailed document but they have not been reviewed as to suitability at this time.

Subletting hirers and traders

There appears to be no written contract or licence with the three regular hirers of the shambles who then sublet stalls though it could be assumed that paying their rent confers some understanding of terms and gives them some rights. It is not clear what rights the hirers would have if the Council chose to end their hire or what rights they have to use the building on their given days.

As the traders who hire space from the subletters don't have a contract with the Town Council it is not known if they have been made aware of health and safety guidance, market trader regulations, or whether they have insurance. This could pose a significant reputational risk to the Town Council should something go wrong.

The group believes that the current situation is a risk which the council should address at the earliest opportunity. It is felt that an urgent, member led, investigation with officer input should be completed to look at options such as strengthening the contract with subletting hirers or bringing sublet days back in house. This should not be a reactionary process and will require consultation with those involved.

Awarding of licences

Whilst the market manager is clearly using his experience to assess who should be awarded a licence the lack of a formal written procedure and criteria could leave the Council open to accusations of favouritism and bias which it may find hard to defend. There is also a business continuity issue as should the market manager leave or be unable to carry out their duties there is no written procedure for officers to follow. For this reason there is a business risk in this area

Recommendations

The working party makes the following recommendations in relation to trader licenses:

- That all unit traders should have a comprehensive lease which provides some security to all parties
- Any new lease should be reviewed by the recreation and properties committee (Or a working party on its behalf) before being issued to ensure that it aligns with the councils' aspirations for the shambles
- That processes are drawn up by the market manager to record annual reviews of licences and any other documents such as risk assessments and Insurances. These should be stored securely.
- The Market Trader Regulations should be added to the regular policy reviews undertaken by the Recreation and Properties Committee.

- That the practice of subletting the shambles be further reviewed by this working party, as a matter of urgency, both in relation to the conclusions drawn above but also with a mind to the ongoing business model (increasing turnover & profitability). Recommendations should then be made.
- The market manager should be asked to prepare a criteria and procedure which could be used as part of an application procedure for new licences and leases. This should go to the Recreation and Properties Committee for review.

Performance Data

Background

One of the key arguments for the proposed redevelopment of the shambles and a potential change of use towards a “food hall” was commercial viability. Councillors were largely not familiar with the current commercial status of the shambles and whether the current business model is viable so the group sort to establish the current picture. In order to carry out this work Officers provided the group with the following information:

- Accounts sheet
- Occupancy sheet
- P & L sheets

Summary

The initial Documents provided give a snapshot of the revenue generated between 2nd September 2021 and 21st October 2021 and occupancy numbers for Thursday stalls and weekly units between 1st April 2021 and 28th October 2021. Further documents have given a good picture of the finances since 2019

The table below shows P&L figures for both the indoor and outdoor markets as from the figures available it was not possible to separate the costs for the Shambles alone.

Item	FY 2019-20	FY 2020-21	FY 2021-22 (11 months only)
Markets Income	£150,881	£132,995	£153,694
Markets Out Goings	£95,910	£65,520	£59,163
Profit/Loss amount	£54,971	£67,475	£94,531
Profit/Loss Percentage	36.43%	50.75%	61.51%

Whilst it has not been possible to separate the costs out between the indoor and outdoor markets we can separate the income:

Item	FY 2019-20	FY 2020-21	FY 2021-22 (11 months only)
Outdoor Market Income	£62,012	£52,073	£59,044
Shambles Income	£88,070	£80,922	£93,150
Sundry Income	£800	£0	£1,500

Although we cannot separate out the costs it is reasonable to assume that the Shambles will account for a larger share of certain items such as electricity and commercial rates.

The occupancy figures for the shambles which were available are as follows

Item	Occupancy
Thursday (Lower End) 01/04/21 – 27/01/22)	67.4%
Saturday (Lower End) 01/04/21 – 27/01/22)	81.9%
Units 01/04/21 – 28/10/21)	99.8%

It should be noted that on Thursdays the outdoor market has an occupancy of 87.9%, it is not known whether this impacts the shambles figures positively or negatively. There are 25 stalls in the outdoor market, 13 in the lower shambles and 13 units in the upper shambles.

Occupancy Figures are not known for Sunday to Wednesday or on Friday as these days are sublet.

Conclusions

From the information available it can be seen that whilst both the indoor and outdoor markets were hit by a similar reduction in income during the pandemic the indoor market has recovered and already exceeded its pre covid figures in 11 months of trading while the outdoor market has not yet reached its 19/20 figures.

It is reasonable to assume that the shambles is more costly to run but the high occupancy levels of the units appear to be offering some security and a steady income. The lower indoor market occupancy figures are lower than the outdoor market but on Saturdays when there is no outdoor market and when the offering includes the craft market occupancy increases.

It is not unreasonable to conclude that the current model of operation is viable and profits are currently rising. Analysis of market trends have not been carried out by this working party so at this stage we cannot conclude whether the current model would remain viable in 5 to 10 years' time.

As occupancy figures are unavailable for the other days of the week it is not possible to speculate as to whether bringing them under council control would increase or decrease the viability of the shambles however this would be an area worth some study. As the major costs of the Shambles are largely fixed there would be little or no increase in cost to the council other than through indirect costs such as marketing but a greater potential for increasing income.

Recommendations

- That officers are asked to undertake a market analysis using the current business model to forecast viability over the next 5 – 10 years in a “do nothing” scenario. This to be reviewed and scrutinised by this group before presentation to council
- The council should consider asking officers to produce a business plan, to be scrutinised by the recreation and properties committee before being presented to full council for adoption, which would seek to prioritise maintaining viability of the asset and identify future risks and opportunities for growth.
-

Revenue Processes

Background

Concerns had been raised about how, and by whom, the fees are collected from market traders and subletting hirers. As there are no written processes it was not immediately clear to councillors what process was followed so the group was asked to investigate. To do this several emails were exchanged with officers. They have not been included in this report as they contain commercially sensitive information. However, they will be made available to councillors alongside the final report.

Summary

The officers have provided detailed information on what money is collected from who and what happens with it at the end of the day. It is stated that the market manager collects the money from traders on a Thursday with a duplicate receipt being issued and the money being taken to the town hall for checking and banking. Officers have not said who collects funds on other days or if the market manager is unavailable but it is assumed the same process is followed, traders confirm that they are given numbered receipts.

Traders have named three separate officers as collecting money which is generally then stored securely in the super loo in west central carpark. This is contrary to the information provided by officers and the group can make no conclusion at present on which process is followed.

Conclusions

There is still some confusion in this area as the processes reported by traders do not match those reported by officers. The lack of a formal written process compounds this issue. Whilst the working party is still not clear exactly who collects the rents each day they are confident that the money is dealt with securely. There is however a business risk here as the lack of a formal written process which is always followed leaves individual staff members open to criticism should a mistake be made and, for example, collected funds don't match what is expected. This could have serious consequences and should be addressed with urgency.

The group would like officers to explore ways for reducing the amount of cash which is collected, such as by using bank transfers, as this would mitigate the risks posed by physical collection of cash. It is not known if this is practical so officers will be asked to provide a short report on this

Recommendations

- That officers produce, with urgency, a written process for the collection of money from the Shambles traders and units. This should be reviewed and approved by the Recreation and Properties Committee as part of their role in providing oversight to the operation of the Shambles.
- That officers explore the possibility of accepting automated payments from shambles traders and units and report back to the Recreation and Properties Committee on the practicalities of this.



Doc 9/4

Subject: Shambles One Working Party – Meeting with Traders			
Date: 25 January 2022		Venue: Town Hall	
Those Present:			
Traders,	Debbie Barber	Paul & Sue Rolfe	Markus
Taylor	Dave Dunn	Josie Lewis	
Councillors,	Chris Gay	Jenny Britten	Catherine
Brown	Richard Oliver		
Officers,	Mark Hill	Simon Fisher	

Item	Notes:	Action:
1.	<p>Review of Works Programme</p> <p>A number of issues and potential improvements were identified during early meetings with Councillors and Traders, which have now been picked up by officers.</p> <ul style="list-style-type: none"> • Cleaning; deep clean work was undertaken before Christmas and has made some difference given the fragility and age of the existing paintwork; the outcome is not as some would have hoped with the walls still showing signs of dirt. The member of staff who cleans the walkway now has a new vacuum cleaner and this is helping, but more concentration is needed at the top end. The toilet is still an area of concern, as whilst the facility is only used by traders it is not cleaned on Sundays and Mondays due to current staffing levels • Displays; prices have now been received for installing a double rail around the lower hall as a way of hanging items. It is hoped this work can be completed shortly. • Piano; it was agreed to move the piano nearer the front doors and then build some storage for cleaning material where the piano is currently located. • Extraction system for Café; discussions have been had with the listed planning officer and planning permission will now be submitted. 	

3.	Future meeting All agreed a quarterly meeting between officers and traders would be helpful, where elected members could sit in. The following dates are proposed for 2022; <ul style="list-style-type: none">• May 3rd• July 12th• October 4th• January 10th Meetings will be on Tuesday evenings, starting at 6:30pm in the Town Hall.	
	Next Meeting. May 3rd	

[Click here](#) to return to main agenda