

## Haringey Council

### Written Statement/Record of a decision made by an officer under delegated authority

<b>Decision Maker (Post Title)</b>	Head of Programme Management
<b>Subject of the decision</b>	Tottenham Green Market Operator Contract 2021-2022 Waiver
<b>Date of decision</b>	22/02/2021
<b>Decision</b>	In accordance with Contract Standing Order (CSO) 8.03 as allowed under CSO 10.01.2D and in accordance with CSO 9.06.1, to award a contract for the operation of Tottenham Green Sunday Market for nine months from 1 July 2021 to 31 March 2022 for the existing contractor (Marika Gauci), for a total value of £5,995.
<b>Reasons for the decision</b>	<p>The COVID-19 pandemic has meant that the market has been unable to operate in full over the past 10 months. To attract and maintain footfall, it has moved from being a weekly to a monthly market. There has also been an impact upon the number of stalls joining, with some stallholders not feeling comfortable to attend during a pandemic but have been more willing to participate upon a monthly basis. The market has occasionally not been held depending on lockdown restrictions.</p> <p>The current market operator contract was already extended for one year to July 2021 as it was the intention to appoint a supplier for a further three years from summer 2021 through an open tender. However, with a further lockdown taking place, it is in the council's interests to move the tender date to early 2022, with an operator to commence from 1 April 2022. In the current circumstances, the market contract opportunity would not be a very attractive proposition for other quality market operators. Therefore, a further nine months extension is required to effectively bridge this gap so as to seek tender returns at a more attractive time when pandemic restrictions have hopefully been fully lifted. This contract has previously been extended, therefore to enable the market to continue to operate in its current form, it is proposed to approve this new contract from the end of the current term (July 2021). This is the best option to ensure the continuing health of the market and to be an immediate resource to residents who depend upon it for their local essential retail shopping.</p>
<b>Details of any alternative options considered and rejected by the officer when making the decision</b>	<ol style="list-style-type: none"> <li>1. Do Nothing – This would mean the existing contract would expire and no markets would be held at Tottenham Green. This option would not enable the Council to economically activate the area and would be detrimental to longer term aspirations to grow and develop the market and patronage of Tottenham Green.</li> </ol>

	<p>2. Go to competitive tender – In July 2020 it was envisaged that a return to post-pandemic ‘normal’ trading conditions would be achieved by summer 2021. However, with the Covid-19 pandemic not yet abated and some form of restrictions still likely to be in place, the attractiveness of an open tender to operate and develop the market with greater economic and social returns for the Council, is not expected to be high and so carries greater risk. Further risk would be to lose the existing operator’s goodwill and therefore be left without a market operator during the pandemic until a full tender process can be undertaken.</p>
<p><b><u>Conflicts of interest – Executive decisions</u></b></p> <p>Details of any conflict of interest declared by a Cabinet Member who is consulted by the officer which relates to the decision and details of dispensation granted by the Council’s Head of Paid Service</p>	<p>N/A</p>
<p><b><u>Conflicts of interest – Non-executive decisions</u></b></p> <p>Where the decision is taken under an express delegation e.g. by a Committee, the name of any Member who declared a conflict of interest in relation to this matter at the committee meeting,</p>	<p>N/A</p>
<p>Title of any document(s), including reports, considered by the officer and relevant to the above decision or where only part of the report is relevant to the above decision, that part)</p> <p>These documents need to be attached to the copy of this record/statement kept by the Authority but must not be published if they contain exempt information</p>	<p>N/A</p>
<p>Reasons for exemption with reference to categories of exemption specified overleaf or</p> <p>Reason why decision is confidential (see overleaf)</p> <p>Decisions containing exempt or confidential information falling within</p>	<p>N/A</p>

the categories specified overleaf are not required to be published.	
Signature of Decision Maker	<i>Elizabeth Skelland</i>
Name of Decision Maker	Liz Skelland
Does the decision need to be published? Yes <input checked="" type="checkbox"/>  No <input type="checkbox"/>	

**Exempt Information**

Local Government Act 1972 Schedule 12A

Part 1: Descriptions of Exempt Information

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any person (including the authority holding that information).
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes -
  - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) To make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

**Note: It is insufficient to simply identify a category of exemption, you must also conduct a public interest test on the basis specified in the Act as follows:**  
Information falling within categories 1-7 is exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### Confidential Decisions

1. The decision contains information provided by a Government department on a non-disclosure basis
2. There is a Court order against disclosure.

**Report for:** Liz Skelland, Head of Programme Management

**Title:** Tottenham Green Market Operator Contract 2021-2022 Waiver

**Report**

**authorised by:** Keith Trotter, Haringey High Streets and Town Centres Manager,  
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**Lead Officer:** Graham Philpot, Principal Tottenham Town Centre Officer,  
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**Ward(s) affected:** Tottenham Green

## Report for Non-Key Decision

### 1. Describe the issue under consideration

In accordance with Contract Standing Order (CSO) 8.03 as allowed under CSO 10.01.2D and in accordance with CSO 9.06.1 in the council's best interest, to enable the decision to award a waiver for the operation of Tottenham Green Market for nine months up to 31 March 2022 to the existing contractor (Marika Gauci).

### 2. Recommendations

To award a contract for the operation of Tottenham Green Market for a further nine months from 1 July (until end of March 2022) to the current contractor (Marika Gauci). The overall contract value is £18,162 per annum, based on the operating costs and profit from 1 July 2020 to 1 March 2021 in the monthly market format (i.e., at nine months). The payment for marketing and promotion is to remain the same as the previous year (£4,995 excluding VAT) payable in one instalment. The Economic Development Team will also subsidise the license fees for two test-trading stalls for the extended period in order to encourage new businesses to trade at the market at reduced cost (a sum not exceeding £1,000 in total). This equates to an overall council contribution of £5,995.

### 3. Reasons for decision

The waiver will ensure the continued running of the successful market on Tottenham Green which has operated weekly since 2016 and currently is held once a month during lockdown. This contract will cover the period from July 2021 to 31 March 2022. In early 2022 the contract to operate the market will once again be the subject of an open tender.

### 4. Alternative options considered

The market has become a key feature in Tottenham's weekly (and then monthly) calendar and helps drive footfall to the Green, a key town centre location which the council has invested in improving in recent years. The alternative options to awarding the contract are:

- Do Nothing – This would mean the existing contract would expire and no markets would be held at Tottenham Green. This option would not enable the Council to economically activate the area and would be detrimental to longer term aspirations to grow and develop the market and patronage of Tottenham Green.
- Go to a competitive tender – In July 2020 it was envisaged that a return to post-pandemic 'normal' trading conditions would be achieved by summer 2021. However, with the Covid-19 pandemic not yet abated and some form of restrictions still likely to be in place, the attractiveness of a tender to the open market to operate and develop the market with greater economic and social

returns for the Council, is not expected to be high and so carries greater risk. Further risk would be to lose the existing operator's goodwill and therefore be left without a market operator during the pandemic until a full tender process can be undertaken.

The current contract extension expires at the end of June. Any gap in delivery at this critical stage of development would mean that customer and trader retention would suffer, confidence in the reliability of the market would deteriorate and the main benefit of having secured planning permission in March 2020 for an expanded market in 2020 onwards would be greatly reduced and take much longer to build back up again.

The current market operator is performing satisfactorily against their Service Level Agreement targets and has ensured that the market can remain open where possible during the Covid-19 pandemic; putting local traders and businesses at the heart of the operation and bolstering local support and awareness as a key local shopping resource for residents. Attendance at the market has also increased considerably in the last twelve-month contract extension period by changing the format to a monthly iteration.

## **5. Background information**

Following a pilot project in 2016 and a competitive tender exercise, Marika Gauci was awarded the initial three-year contract.

This initial three-year contract from 2017-2020 ensured that there was a continual weekly market throughout the year which has steadily grown in size and attendance. During 2020's lockdown period, a contract extension was awarded to the existing operator for a further 12 months. At the time this was considered an adequate extension period to expect the worst of the pandemic to be over and an open tender exercise for a longer-term contract to be an attractive proposition for market operators to bid for during early 2021.

However, it is now clear that the impact of the pandemic and associated lockdowns and restrictions will extend beyond early summer. The additional nine months' term under this waiver will enable longer-term planning across 2021 for the tender process and provide further security for the existing operator until the end of financial year. The subsidising of test-trading stalls throughout the period through the TCM budget will also enable more pre-start and start-up businesses to trial their business in a low-risk environment.

The Council previously funded the establishment costs and marketing costs of the market and it is proposed to assist in the marketing and promotion once more (£4,995 plus VAT) as well as subsidise two stalls for test-trading throughout the additional period up to a maximum of £1,000 plus VAT.

## **6. Contribution to strategic outcomes**

The Council's Borough Plan highlights that the following priorities support the need for a thriving market:

*Priority 2: Place Better caring for the place and delivering improved public realm in all of the local centres that comprise Tottenham*

*Priority 1: People To deliver improved access to jobs and business opportunities; world-class education and training; and a strong and healthy community*

The Market plays a pivotal role in encouraging greater public (especially local) use of Tottenham Green. The market was granted planning permission in 2016 that enabled it to operate every Sunday throughout the year rather than on a temporary planning use which limited it to 14 days a year and extended again in 2020 to support its organic growth and increase in the number of stalls and potential to trade twice weekly.

The market hosts on average up to 15 stalls on any trading day, the majority of which are from Haringey and many from Tottenham. Several of these stallholders are relatively new businesses, with a mixture of some that are more mature, and as such, the market is providing an extremely useful resource for new entrepreneurs and growing businesses. The residents also benefit by having access to essential retail during the lockdown and restriction periods.

The support and development of the market is also a key component of the Good Economy Recovery Plan and High Streets Recovery Action Plan, that aim to ensure that there is a vibrant and attractive enterprise that supports local start-ups and those unable (or not needing) to acquire bricks and mortar establishments. Tottenham Green Market was also recently recognised as an important consideration within the economic viability of Tottenham post-pandemic by the Tottenham Traders' Partnership (TTP).

## 7. Equality

The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

It is not anticipated that this decision will have any direct negative impact on the protected characteristics and principles set out.

- 7.1 The contracted provider will be required to demonstrate a strong commitment to equality and fairness in its actions and adherence to the Equality Act 2010. For example, the provider must ensure that there is no discrimination toward business owners or stall holders based on any of the protected characteristics outlined in section 7.4.1. The Council will hold regular contract review meetings to ensure that

the provider will deliver on these requirements. It is also expected that businesses and stall holders at the market site adhere to the same standards in their interaction with the public.

7.1.1 Tottenham Green market will remain accessible and open to people with all different characteristics to enjoy. The market site is step free and is on street level, with no physical barriers that could prevent those with restricted movement or those in wheelchairs or pushchairs from accessing the site. Transport links are also good, with adjacent bus stops and car park.

## 8. Use of Appendices

N/a.