

**EXECUTIVE DECISION RECORD**

**REF No 568.23**

<b>A1</b> Service Area	Communities & Open Spaces
<b>A2</b> Title	Uttoxetter Market Stalls
<b>A3</b> Decision Taken By	Deputy Leader/ Chief Officer
<b>A4</b> Chief Officer	Please print name: Mark Rizk  Please sign name: <a href="#">Approval by email 310523</a>
<b>A5</b> Leader / Deputy Leader	Please print name: Cllr Paul Walker  Please sign name: <a href="#">Approval by email 310523</a>
<b>A6</b> Date of Decision	31 <sup>st</sup> May 2023

**Confidentiality**

<b>A7</b> Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
<b>A7.1</b> If yes, please state relevant paragraph from Schedule 12A LGA 1972.	

**Scrutiny**

**A8** Which Scrutiny Committee should this decision be submitted to? (*Please tick as appropriate*) ✓

Scrutiny Community Regeneration Committee ✓  
 Scrutiny Environment and Health and Well Being Committee  
 Scrutiny Value for Money Council Services Committee

<b>B1</b> What is the Decision?	Donation of five market stalls form Uttoxeter markets to traders
<b>B2</b> What are the reasons for the Decision?	Uttoxeter Town Council (UTC) operate Uttoxeter Market on behalf of ESBC and interact directly with traders. UTC have made the decision that they will not be providing or erecting stalls for their traders moving forward. A number of stalls have been identified as beyond repair and are not able to be upcycled or cannibalised to support operations in Burton. The stalls utilised at Uttoxeter are different to those used on Burton Market. They are a smaller sized quadrant of steel to the ones used in Burton and are not as strong. Traders, via Uttoxeter Town Council, have requested that these worn stalls are donated to them in exchange for both the Town and Borough Council relinquishing any liability. Due to the condition of these stalls ESBC or UTC would dispose of these for scrap if retained.
<b>B3</b> What are the contributions to Corporate Priorities?	Community Regeneration
<b>B4</b> What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

### Financial Implications

<b>B5</b> What are the financial implications?	The main financial issues arising from this decision are as follows: There are no financial implications as a consequence of this donation.
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Revenue	2022/23	2023/24	2024/25

Capital	2022/23	2023/24	2024/25

The finance section has been approved by the following member of the Financial Management Unit:	Please print name: Lisa Turner  Please sign name: <a href="#">Approval by email 300523</a>
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### Policy Framework

<b>B6</b> Is the Decision wholly in accordance with the Council's policy framework?	Yes
<b>B6.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	n/a
<b>B6.2</b> Has it got the appropriate approvals under those provisions?	n/a
<b>B7</b> Is the Decision wholly in accordance with the Council's budget?	Yes
<b>B7.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	n/a
<b>B7.2</b> Has it got the appropriate approvals under those provisions?	n/a

### Equalities Implications

<b>B8</b> What are the Equalities implications: n/a
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### Risk Assessment

<b>B9</b> What are the Risk Assessment implications:
<b>B9.1</b> Positive (Opportunities/Benefits): - Positive use of stalls that of any age and are not able to be utilised elsewhere.
<b>B9.2</b> Negative (Threats):
<b>B9.3</b> The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

### Legal Considerations

<b>B10</b> What are the Legal Considerations:
<b>B10.1</b> The main legal issues arising from this decision are as follows:  The terms of the gift will be incorporated into a Donation Agreement to be signed by each stall-holder. The Agreement will include a full liability and indemnity obligation on the part of the stall-holder.

<b>B10</b> What are the Legal Considerations:
This section has been approved by the following member of the Legal Team Please print name: Glen McCusker – Locum Solicitor
Please sign name: <a href="#">Approval by email 300523</a>

**Sustainability Implications**

<b>B11</b> What are the Sustainability implications: n/a
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**Health & Safety Implications**

<b>B12</b> What are the Health & Safety implications:
B12.3.1 Positive (Benefits) - Liabilities associated with the condition of the stalls would need to be removed.
B12.3.2 Negative (Threats) - n/a

**Key Decision**

**B13** Is this a Key Decision?      No

**Note: A Key Executive Decision is one where:**

1.     **REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000**
2.     **CAPITAL – Any capital project with a value in excess of £150,000**
3.     **A decision which significantly affects communities living or working in an area comprising two or more wards.**

<b>B13.1</b> If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	No
<b>B13.2</b> If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed	n/a

<b>B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?</b>	<b>No</b>
<b>that the decision will be exempt from Call-in?</b>	

**NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.**

Please send the original signed document to [andrea.davies@eaststaffsbc.gov.uk](mailto:andrea.davies@eaststaffsbc.gov.uk)