

Traditional Retail Markets in context
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I commence with the landmark ruling by the European Court of Justice, in 2011, barring the attempt by Catalonia¹ to defend its valued Traditional Retail Markets by placing restrictions on hypermarkets – a format developed by transnationals such as WalMart, Tesco and, especially for Spain: their French invader: *Carrefour*. The European Court of Justice was supportive of the transnationals yet most visitors to Barcelona, capital of Catalonia, will return with admiring tales of the world-renowned La Boqueria market. They may contrast La Boqueria with the markets to which they have returned – but would they set up symbolic barricades against hypermarket developments in order to protect ‘real’ markets offering ‘real food’ as the folk of Catalonia apparently tried to do - or would they instead side with the European Court of Justice? What the Court was doing was to take sides in a power-play: the transnationals wanted – and duly obtained – continued access to a potentially-lucrative ‘market’. The use of that term is not accidental.

We can, of course, look back to days of another French (well, Norman) invader: William (Guillaume) the Conqueror who arrived in England in 1066 and brought lasting changes. For a start, the name Norman remains popular and, though we have since had Welsh, German and Dutch Monarchs, the English themselves are yet to make a major comeback!² We cannot guess what may have happened if the invasion had been a Breton one. I mention this because a St Malo man – Jacques Cartier - spent some time here in Quebec about 400 years later. To this day in England, if you have a French surname (the richest man in England is Gerald Grosvenor) you are likely to be richer than the average person. It does not always work – my mother’s name was Beaumont.

It becomes clear that traditional markets are enmeshed in a complex social and historic *milieu* which can be viewed from many, often-conflicting, perspectives and over a very long time-frame. Consider *Magna Carta* – signed by the Angevin King John (Jean) at Runnymede just 800 years ago - and a milestone for democracy.

¹ Judgment in Case C-400/08, Commission v Spain;
<http://curia.europa.eu/jcms/upload/docs/application/pdf/2011-03/cp110023en.pdf>.

² The Queen is of the House of Saxe-Coburg-Gotha.

Meantime King John was awarding market status to various towns - as had Richard *Coeur de Lion* who awarded 'Charter' status to PORTSMOUTH in 1194. The Charter offered protection in that no rival market could be set up within 10km of the established market and such protection continues today³. In Korea in 2012 (Kim and Hallsworth 2013) a form of protection against predatory rivals was offered to traditional markets. So Catalonia was not alone in failing to resist a French invasion. Resistance, however, cannot expect to win often (Daily Mail 2013).

The notion of a power-play invites us to consider Clegg's 'Circuits of Power' which is outlined in a retail context in Hallsworth (1997). A complex mix of history, plus sea changes such as the rise of the internet or the power of China sets the background. Then there are differences between national, supra-national or regional structures and regulatory regimes – as Catalonia discovered. Why did a German-style *Mittelstand* (Wortmann 2004) not develop in Wales (CRESC 2015) yet Chaebol thrived in Korea? Helliwell (2002) argued that the problem with *International* Trade Theory is the word *International*: going on to suggest that “Canadian Provinces are freer to make..fiscal policy..than ..national Governments...bound by Maastricht.. (where) there is more need for independent national fiscal policies” (Helliwell 2002 p 61). Also, key individuals (agents) help to produce mediated outcomes by interfacing with Agencies. In the context of Canada, one such agent was developer Bob Campeau who went on to bankrupt much of the US Department store sector (Hallsworth, 1991).

Changing the system

What facilitates retail change?

The economics of a reviving postwar Britain with its collectivist spirit led to narrowing income inequalities, full employment and rising living standards: the latter symbolised by rising car ownership. That wealth should be shared reasonably equally (Wilkinson & Pickett 2009) was not seen as a problem by so-called 'One Nation'⁴ Conservative voters. Yet in June, 1963, even before the first Carrefour *hypermarché* was built in France at St Genevieve des Bois, an opportunistic attempt was made to build a US-style regional shopping 'mall' at Haydock Park that would lure upscale shoppers from both Liverpool and Manchester. Academic arguments about

³ Later, circa 1250, King Henry III imposed laws controlling product quality/ weights & measures abuses by butchers & bakers

⁴ A reference to writings by former Prime Minister Benjamin Disraeli (who actually described *Two Nations* – the rich and the poor)

detrimental impact on existing centres⁵ were heeded and the Haydock plan failed. In the 1970s, individual shops, but especially established shopping centres, were owned by powerful institutional (often absentee) landlords who set long-term rental income targets. This system was town centre based. At one level this suited markets – unless shopping centres pushed them out. In London, Borough market – claiming to be 1,000 years old - survived because London Bridge was an unfashionable location. Covent Garden, being better located, became a leisure mall. Note that London's markets mostly tend to be stalls in the street: the great Victorian Market halls were built elsewhere in the country – as symbols of wealth and status.⁶

Markets also closed when British town centres were “redeveloped” by superimposing more large enclosed shopping centres (pioneers, Arndale) than in most of mainland Europe. Such plans effectively brought Haydock style shopping into the established centres...but with the loss of local stores and markets. For hypermarket operators, developing bigger stores out of town brought the potential to own land and thus to cash in on rising property values – cutting out the institutional landlord.

Enter the hypermarket

In September 1972, Carrefour, with a majority British partner, opened the first UK hypermarket in South Wales. The developers had cunningly chosen a plot of land of uncertain planning status. It was not immediately clear that a hypermarket could be built on their new site at Caerphilly – but, equally, it was not clear that a hypermarket proposal could be refused. The reactive, bureaucrat-driven, planning (“Zoning”) system had been allocating sites for existing, known, types of land-uses but had failed to make allocation for future, as yet unknown, land uses. The French *hypermarché* concept was at first resisted yet a second Carrefour store duly opened in South Hampshire. Planning rules however, as with the 1947 Town and Country Planning Act, were set nationally. Which led to: *Gaming the system*.

If the developer thought that local officials would permit a store but that it might be rejected nationally then its size would accordingly be set either just above or just below the critical threshold that determined which level of government would make

⁵ Some still recovering from wartime destruction by making huge public investments in building

⁶ Even these could not compete with the great Department Stores such as Harrods, Macys or Au Printemps. I will not cover the extensive literature surrounding these: from Walter Benjamin's *Arcades: Passages couverts de Paris* through the work of, among many others, Peter Goheen, Nick Blomley, Rob Shields, Serge Jaumain and Geoffrey Crossick.

the decision. In 1972 and 1976 thresholds were set at 50,000 sq ft and 100,000 sq ft respectively. Even at this stage, local politicians and officials were often anxious to permit such stores with their promise of “new jobs” – notably in the North which was already falling behind economically (Hallsworth and Stobart 1999). Indeed, if the locality owned a large tract of land it could gain a financial windfall from selling that land for a large retail store. Planning permission would not generally be a problem as the Local Authority would be giving permission to itself. A huge incentive to raise finance in this way has been the post-1979 hollowing-out of the welfare state.

Alongside the privatisation of public services came a reduction in the role, importance and power of the Local Authority.

From Clegg’s perspective: something must have changed at the intermediate level of power...and indeed it had.

The Thatcher revolution

The election of the neo-liberal Thatcher government in 1979 brought a vastly changed social and economic landscape. Mines and mills closed and many of the working class became the Underclass and have not worked since. From a Quebec perspective see Letourneau (1996). With full-time male jobs gone, part-time female work arose – much of it in supermarkets. The transition from a producer economy to a consumer economy was complete and, of course, not just in Britain. As Dewson (2015) noted of Wal-Mart “the jobs it has created are worse than the jobs it killed off...the wealth it created is concentrated in fewer hands..and (it is)..stashing billions in offshore tax havens” (2015 p 48). The latter move was facilitated by mid-1980s financial deregulation – another Thatcher-Reagan innovation. Retail further responded to its new client base with charity shops and (sometimes barely legal) car boot sales (Gregson, Brooks and Crewe 2000). Food Banks, however, only arose after the sub-prime recession. At the high end, as income disparities widened both between rich and poor and between London and everywhere else, upscale luxury shopping goods took over London’s New Bond St. This trend accelerated further once the post-Soviet oligarchs began to ship their vast wealth out of Russia. Conspicuous Consumption was back (if it ever went away)

Margaret Thatcher also drove an increased centralisation of power, now being continued by the Cameron administration. Leading Conservative Lord Hailsham had described Britain as an “elective dictatorship” and Mrs Thatcher embraced that dictatorial power.

Her Environment Secretary was Nicholas Ridley (a name shared with a Bishop of London who was burned at the stake). Ridley, son of a Viscount and educated at Eton and Oxford, was himself a landowner – but one out of tune with much of the landed gentry. The noted one-nation conservative social commentator Quentin Letts (2009) wrote caustic words strongly implying that the wrong Ridley had been toasted:

....”..his mind aswirl with free-market theories....(he) was placed in charge of the one thing which, above all else, needs caution and quietude: the English countryside. (He) led to a surge in urban sprawl. Local authorities learned not to engage in legal battles with land-hungry developers...case after case...led to heavy costs in favour of the private companies..he was not a Conservative at all...He was a wrecker. A leveler...he mistook neglect of duty for hands-off government”.

Note that the freedom to sue Local Government for an unfavourable decision persists today and even has parallels in ongoing US-EU TTIP trade negotiations. It exemplifies how pro-development (and thus anti-local) the whole system became. Again, objectors cannot appeal when permission is given to a proposal to which they object, but a refused developer does have rights of appeal to a ‘higher’ level. A parallel would be if, in Catalonia, a shop development was refused – but the developer asked Madrid to over-rule Barcelona. Or if, in Montreal, a shop development was refused – but the developer asked Stephen Harper to over-rule the decision. In Britain, the public, if able to raise substantial funds, can resort to expensive Judicial Reviews if it believes its Local Authority has acted illegally – but this is much more rare and Government policies are attempting to further restrict the process.

Whilst Britain saw few mega-scale US-style shopping malls, the hypermarkets (or superstores - and so-called retail “sheds” selling ‘bulky goods’ Schiller 1986 Hallsworth 1994 Fernie, 1995) kept on building. The period from 1979 to 1996 was a golden age for retail planning permissions for peripheral stores. When any “tightening” is noted (eg Wood, Lowe Wrigley 2006) remember that it came after a long period of largely unfettered suburbanisation. One consequence of a large-store-dominated system is that in the gaps between the stores “food deserts” can emerge: to the detriment of the poorer less mobile shopper (Hallsworth 2013)

Sunday trading and influential agents

Mrs Thatcher left office on 28th November 1990 having lost only one parliamentary vote: she was defeated, over *Sunday trading*, in 1984. Markets – like small, independently-owned shops - cannot compete with 24 hour trading – now offered in Britain with a brief respite on Sundays. It was Thatcher’s Conservative successor,

John Major who liberalised Sunday trading whilst continuing her general policies of aggressive neo-liberalisation. Trade support for Sunday trading almost exclusively comes from the larger stores, usually located out-of-town, facing restrictions on their power to take all available trade (see Kim and Hallsworth 2015). In July, 2015, Conservative Chancellor Osborne produced a typical British compromise: Local Councillors could overturn the few remaining Sunday trading rules if they wished. This would neatly sidestep any accusations of betrayal of alleged central government support for town centres. If, as could reasonably be predicted, town centres continued to decline, the Local Councillors would take the blame.

Back in the 1990s, however, there were signs, at the end of the Major regime, of a return to more One-Nation values for retailing. This was personally driven by Environment Secretary John Selwyn (now Lord) Gummer. His personal beliefs – quite unlike those of Ridley - led him to consider that the free market (but not necessarily fair market) had possibly gone too far. The result was an influential document (PPG6) published in June 1996, that was intended to address some of these concerns by the application of the so-called 'sequential approach' to site selection (Baldock 2000). The wider background and implications of this period of apparent retrenchment are more widely discussed in Hallsworth (2010, 2013, 2014). It is important to stress that PPG6 was a Conservative initiative but one that was strengthened in the early years of the Blair “New” Labour government. It was necessary to do so because, during the recession of the early 1990s, Tesco in particular had astutely “landbanked” cheap sites for future growth and, as these came on stream, they risked flooding local areas with excess floorspace – even if they passed the 'sequential approach'. One result was the so-called ‘Tesco Town’ phenomenon where every store appeared to be a Tesco. A new store might bring more space than was needed (or than could be sustained by spending growth – the essence of 1970s mindsets) and might out-compete a 'sequentially-preferable’ central store causing it to close. For many, including the European Court of Justice in 2011, all ‘competitiveness’, however notional, is entirely admirable. Supporters of unfettered competition saw this as the workings of the free market in increasing choice and driving down prices. Effects on rivals who had earlier conformed to planning rules and located on more expensive sites were not a concern.

Enter the Treasury

However appealing the concept of community, very different keywords (typically: efficiency, competitiveness, and innovation) have always been more appealing to Government in general and Britain's powerful Treasury in particular. The contradictions between community and competitiveness have generally been resolved in favour of competitiveness. Britain's major problem has been that its inherent short-termism and sundry other deficiencies - noted by observers as diverse as Evers (2004) and Hutton (1995) - mean that competitiveness was achievable in retailing (and banking when not engulfed by recurrent ruinous scandals (Harvey 2005)) but almost never in industry. (Hallsworth 1996). Before long The Treasury insisted that retail planning controls were stifling competitiveness and efficiency, and action was needed. It duly arrived.

The Barker intervention: contested viewpoints

Marking a major return to retail liberalisation, the *Barker Review of Planning in England & Wales* reported in December 2006. The Review was driven by the powerful (and cash-hungry) Treasury. Barker herself is not a Planner but an economist and former member of the Bank of England Monetary Policy Committee. The stated objective of the *Barker Review of planning in England & Wales* was to examine if planning rules in England & Wales might be stifling "productivity". When the British Treasury desires change it has the power to get its way that other Government Departments lack. Despite opposition, Barker's crusade to weaken planning controls succeeded. At a later Select Committee Inquiry she was widely criticised (Select Committee for Communities and Local Government 2009) but to no avail. Thereafter, it became a 'business decision' if one of the Big 4 retailers entered a market where there was no 'need' for another store. An unwanted new store, having probably already generated windfall property profits, would inevitably take trade from incumbent retailers on the High Street – and markets: and so it proved.

Retailing and Competition policy

Like the Treasury, Competition Authorities in Britain love large new out of town retail stores as they fit neatly with mindsets that prioritise efficiency, competitiveness, and innovation. The large new out of town retail stores themselves reinforce this when every store application will allegedly offer 300 "new" jobs – ever popular in times of recession (but see Hallsworth 2014 and sources such as New Economics Foundation, 2003, Friends of the Earth (FoE) 2006, NRPF 1998 and ACS 2011 which note how illusory such claims can be.)

The notion of ‘competitiveness’ and the ongoing rise of an oligopoly of major retailers⁷ attracted the attention of the now-defunct Competition Commission twice in the 2000s. Importantly (referring back to the Catalonia decision) the EU-influenced 2002 Enterprise Act was enforced and hardened the attitudes of Competition Law. Overall, the changes in Competition Law have led to ever-increasing tolerance of what were previously termed market abuses (Consumers International 2012). A key requirement to be able to abuse other participants in any market is power and size – which the WalMarts of this world have. Structurally, 75% of the UK retail shelf space is controlled those 4 big retailers. Hundreds of suppliers can only gain access to consumers via their shelves⁸. Competition experts now have a low-price-fixated Chicago School competition mindset (Davies 2010) and place no value on the environment nor on other ‘societal’ factors so important to Catalonia. Indeed, Davies suggests that Chicago School mindsets rapidly transferred to mainland Europe and not just to Britain.

Death of a market:

In Abergavenny in Wales (such a long-running conflict that it was cited in the FoE 2006 report noted above) the Local Authority, having earlier stated that no town centre site was available for a large new store later decided that it did, after all, have an ideal central site: the historic and publicly-owned livestock market. It gave itself permission designate a superstore site and thereby become yet another historic market town with no market. Defenders of the livestock market immediately created KALM (Keep Abergavenny Livestock Market) – the Local Authority had been warned. Over a period of many years various groups of concerned locals disputed the right of the Local Authority to behave unilaterally and many paid personally for costly Judicial Reviews. ASDA were deterred but Morrisons stepped in. By 2015 the site had been cleared but with Morrisons in trading difficulties there was no sign of their new store. ...but the market is lost. As the protesters commented:

“Are local planning authorities more prone to allowing development on land that they own (and where they get a share of the windfall profits that their permission itself creates) rather than on land in private ownership?” This reminds us that large store developments are as much about land prices as they are about selling goods.

Retailing, power and the abuse of power

⁷ In food: Tesco, ASDA-WalMart, Sainsbury and Morrisons are the dominant “Big 4” players.

⁸ Some suggest that the rise of Farmers Markets is due to producers trying to by-pass the Big 4.

An obvious power available to the larger store owner is the access to powerful politicians. A fine example of this was outlined by Sparks (2008) who used Freedom of Information rules to disclose that Wal-Mart (see Hallsworth and Clarke 2001, Hallsworth and Evers 2004) had lobbied the then Prime Minister Tony Blair to get a relaxation of the planning rules. By a curious coincidence, the Barker Review appeared a little later. In respect of *Resale Price Maintenance* (the closest Britain ever came to a Robinson-Patman Act) the founder of TESCO, Jack Cohen lobbied tirelessly for the repeal of RPM – gaining access to later Prime Minister Edward Heath. It is all too obvious that large firms gain influence and power in many directions (see again Pal et al 2001, Pal & Medway 2008).

Market survival?

At this point we may return to Catalonia. In 2002, the then Mayor of Barcelona, Joan Clos, wrote of the retail structure of the city. He wrote of cohesion, and the Agora, or market, as a basic part of Mediterranean culture. He wrote of a city where “it is pleasant to stroll, to see and be seen, and to have a complete offer of commerce, services and recreation near home...tourists increasingly appreciate a *shopping city* (my emphasis) where they can stroll and enjoy” (Barcelona, 2002 pp 2-3).

Transparently, this is the strolling pedestrian environment that the opponents of hypermarkets wanted to preserve: the whole Mediterranean culture, lifestyle and much-admired diet based on local, fresh products. Clearly the antithesis of the transnational hypermarket /superstore/supercenter of which Britain now has over 1,000 (France gained 1,000 back in 1994).

And yet, somehow, Traditional Retail Markets do survive as a survey just completed indicates. The 2015 study identified: 1225 retail markets 118 farmers markets 33,000 market traders 55,000 people employed directly on retail markets. Estimates were of a total retail market turnover of around £2.5 billion a year.

There were also 26 wholesale markets 1,000 wholesale businesses with an estimated 10,000 people directly employed on wholesale markets. Wholesale turnover of £4.1 billion a year (boosted by sales to restaurants as well as markets).

The 1225 retail markets in the UK comprised 334 indoor markets, 373 street markets, 98 covered markets and 385 outdoor markets. 35 operators described their markets as ‘other.’

There are over 33,000 market traders in the UK, 55% of which are members of the National Market Traders Federation (NMTF). The NMTF routinely collect data about

the amount of members on markets visited by their Field Support Team. This figure represents visits to over 850 markets in England, Scotland and Wales.

The markets sector has a mature age profile. Of the 33,000 market traders in the UK, 70% are over 50 years of age and only 11% are between 20 and 39 years of age.

46% of the businesses on markets are run by women.

These figures offer cause for concern – and some small signs of hope.

In line with the work of Danny Miller (1998) the market appears to older generations with a strong ethos of ‘thrift’ as a cardinal virtue. Such ‘social’ rather than purely ‘economic’ sentiments were explored by a long running Government-funded survey over many years in Portsmouth (Clarke et al 2006, Jackson et al 2006 – see also Elms et al 2010). All such research – suggesting that shopping has social, emotional, local and often gendered aspects - is entirely at odds with the Competition Law mindset that shopping is a rational, price-based decision (how can it be when 20% of the adult UK population is functionally illiterate and 30% of adults cannot reliably add up two 3-figure numbers?)

Markets are familiar territory for the older shopper who has the skills to identify ‘good food’ (or to accept dated food at a bargain price). Such skills have been ‘edited out’ of the experience of younger generations by the actions of the hypermarkets with their pre-packaging & sell-by dates and aided by sellers of cheap ‘fast food’. The rise of obesity is not unconnected with such trends. Other ‘economiser’ shoppers are flooding to the low prices offered by Aldi, Lidl and ‘pound stores’ (aka dollar stores). On the non-food side, the traditional trade in ‘seconds’ has been destroyed by the rise of China – new items of clothing can be supplied more cheaply than seconds used to be.

So where is the hope?

Some 800,000 Polish citizens now reside in Britain following EU expansion. They – and other migrants from the former East - are accustomed to shopping on markets. I had hoped that this might revive markets more generally but the 2015 results imply that markets do best in locations (basically London) where the economy does best. Markets also offer stalls to the Asian ‘fusion’ and other ethnic ‘fast food’ operators who are enormously popular with London office workers on short lunch breaks. The markets are changing – and have to do so to survive. One challenge yet to be overcome is e-payments. Also the Thatcher-era pressures to diminish local

government have not subsidised and local government-run/owned markets find it hard to raise finance for improvements.

It may be noted that much of the trade apparently lost to the internet is still served by the Big 4 retailers (though Morrisons lags). However, home delivery is not a financially-sustainable project and the Big 4 retailers occasionally interface with planning in a minor way when they seek to devote parking spaces to dedicated 'click and collect' points.

Summary and a warning

Retail planning regulations used to defend Britain against total dominance by large car-based stores. That has weakened – but formats such as markets still survive.

Wider forces – including the European Court of Justice – still work against them.

As the large car-based stores dominate they also control the supply chain. Inherently, Britain has an extremely vulnerable 'lean' system with few days of food in reserve.

Markets comprise one of the few alternative sources of supply: we lose them at our peril.

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