



Whitchurch Town Council Market Policy

Policy Statement

As the owner of the market rights in the Town, Whitchurch Town Council will support and direct the growth and development of markets in order to meet its economic, social and environmental development objectives. These include regenerating the Town centre, encouraging tourism and trade, supporting a farmers market and supporting local producers to bring their produce to the customer.

The Council will fully use its powers to pursue its objectives relating to markets.

The Council recognises that the Food Act 1984 provides a useful means of managing markets and therefore the Council has resolved to utilise the provisions of the Act where necessary to compliment existing market rights and support this policy. The existing town centre retail market will continue to be operated by the Town Council and charges and rules will be reviewed annually. **These are set out on page 4**

The Council will also continue to support the Farmer's Market in partnership with a social enterprise. It will periodically review its agreement with them to ensure it best facilitates a vibrant market. Other externally administered markets seeking to operate in the Town will be reviewed to decide whether they should be supported on an individual basis.

As the owner of the market rights in the Town, the Council recognises that it holds a partial monopoly. This policy will enable it to manage that monopoly responsibly and fairly. However, where a market sets up illegally, action may be taken to stop that market.

The Council will register its market rights with Land Registry if deemed appropriate to protect them.

Definition of a market

"A market is a franchise with the right of having a concourse of buyers and sellers to dispose of commodities in respect of which the franchise was given"

It is relevant to consider what constitutes a concourse. Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 provides assistance. In relation to a temporary market a concourse of buyers and sellers is referred to as "comprising not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold"

Scope of Policy

This policy identifies distinct types of market:

- Whitchurch Town Council Markets (including Market rights)
- Farmers Markets
- Car Boot Markets
- Commercial Markets
- Charity & Community Markets

In certain cases planning permission needs to be obtained to operate a market; however this does not give the market operator permission to set up a market in competition with the Council's market.

Objectives

Whitchurch Council Market

- Regenerate town centres through the development retention and growth of street markets.
- Establish markets, as an integral part of the shopping experience within the towns.
- Make markets a vibrant centre of activity and social community interaction.
- Establish new reasons for shoppers to visit the markets, review time of existing shoppers and increase shoppers spend. Identify the role markets have in facilitating the start up of small businesses.
- Promote markets as a place for affordable, quality products.
- Establish markets as centres of environmental sustainability demonstrating examples of best practice.
- Recognise the integral role that other street trading options add to the economic and vitality of the market. To respond as appropriate to Shropshire Council on street trader licence applications, pedlars applications etc.
- Encourage casual traders to become regular traders. Casual traders will not be allowed on markets unless they provide evidence of public liability insurance.
- Review market rules and regulations on an annual basis.
- Promote an opportunity for market traders, as sole traders to operate their businesses in the town of Whitchurch.
- Liaise with external bodies such as National Association of British Markets Authorities, Retail Market Association and National Market Traders Association.
- Compare all aspects of markets with other local authority markets.
- New traders will be encouraged to trade on the market providing that they do not, in the view of the Market Manage overlap products with an existing trader, however applications will be assessed individually and the Council may take the view their commodities will enhance the market.

Farmers' Markets

- Increase opportunities for local producers to sell to a broader range of customers.
- Bring local produce to more people living and working in the Town.
- Help protect the rural environment of the surrounding district which looks to Whitchurch through supporting diversification into food processing for local farmers.
- Liaise with the National Farmers' Retail and Markets Association and the operators of privately run Farmers Markets.
- Work with the operators to provide a clean and safe area to trade.
- Provide guidance about trading standards to operators.
- Identify opportunities to promote the Farmers Markets through existing publications and websites.
- Identify ways to link the farmers markets with businesses and business support services.
- Contribute to the low carbon agenda by reducing food miles through promoting local produce.
- Set criteria to ensure stallholders source products locally where possible.

Car Boot Markets

- Support where they do not compete with other markets and where they enhance the retail experience of the Town.
- Work with the operators to provide a clean and safe area to trade.
- Provide guidance about trading standards to operators.
- Avoid duplication with others markets of a similar nature.

Charity & Community Markets

- Review seasonal markets (i.e. Summer/Christmas) based on the contribution it makes to the Town events.
- Review the number, locations and when markets can operate in the Town in order to prevent duplication.
- Proof of non profit making other than funds to assist a charity or community event must be supplied if requested. Applications for a charity market must supply charity registration number.
- By prior arrangement with Whitchurch Town Council, charities & community organisations can promote themselves during an Whitchurch Town Council Market at a reduced rate providing space is available and charity registration number supplied.

Note

A local Authority is entitled to the right of protection within a common law distance of six and two third miles, i.e. a right to protection of a lawful market which a Local Authority operates. This distance is measured “as the crow flies”. This common law entitlement is part of local authorities’ market rights and has been upheld by a Court of Appeal.

Enforcement

- The Council will be prepared to take legal action against any market which threatens the viability of its market and operates on the same day. .
- The Council will deal with complaints about markets using its existing policies depending upon the complaint.

Non-compliance with this policy

Any non-compliance will be raised in the first instance with the individual business or organisation in order to try to negotiate an agreeable outcome. Should a suitable agreement not be found, Whitchurch Town Council may take legal action against the individual, business or organisation in question.

Council operated Markets: Rules and Charges

1. Market Days

The normal market days are every Friday and the first Saturday of every month. Both markets are classed as a 'General Market.'

2. Access to Facilities

A member of staff will be onsite from 6am to provide market Facilities.

3. Operation Times

The market will normally open to the public from 7.00am until 2.00pm. Traders must ensure that their stalls remain adequately stocked and goods attractively displayed between the main operational hours of the market.

4. Type of Goods Sold

- a. The Council normally only allows two traders to sell the same item on one market
- b. The sale of firearms, air weapons, explosives, sheath knives/cut-throat razors, hunting knives, pornography and counterfeit goods is prohibited.
- c. No live animals must be on display, either for sale or as a pet.

5. Standard Regulations

All traders should be fully aware of any current statutory legislation e.g. Health and Safety that may affect an open market, and should comply with such regulations whilst trading on a Whitchurch Town Council market.

6. Age of Traders

All Traders left in sole charge of the Stall must be 18 years of age or over.

7. Stall Boundaries

Market stall pitches shall be set at minimum of 6 feet in length. Traders must not encroach on the space reserved for other traders by placing goods beyond the boundaries of the stall. Neither shall the placement of such goods provide a hazard to members of the public.

8. Fees

The stall fees are £1.00 per foot and the minimum stall size is a 6 foot stall/table. All stalls are subject to a size review every 6 months at the discretion of the Town Clerk.

9. Spreading Over

If traders wish to occasionally spread goods over to fill a neighbouring stall that is vacant through the absence of another trader, then they may only do so with the market attendant's permission. However, they will be charged accordingly.

10. Conduct

The trader shall at all times conduct his/her business in a clean, honest, civil and business-like manner, without causing obstruction of the passageway adjoining the facilities, or interfering with the business of other traders.

11. Electricity

Traders wishing to supply electricity to their stall in the Market Hall are required to pay an additional £1.00 per week. Only PAT tested electrical items associated with market

stalls may be used for the operation of: lighting, tills, scales, refrigerators and hotplates. No portable gas appliances are permitted.

12. Payment

Payment shall be made to the market attendant on the morning of the market. Any trader who fails to pay for two consecutive weeks may be ejected from the market without prior warning.

13. Indemnity

The Stall holder agrees to save harmless and indemnify the Council from and against all claims demands proceedings, damage costs charges and expenses howsoever arising from the use by the Stall holder of the facilities whether due to the act of default or negligence of the trader himself or his servants or agents and that a third party insurance policy covering a minimum One Million Pounds (£1,000,000) for any one accident is obtained by the trader prior to use of the facilities to include the liabilities assumed under his Licence and is maintained during its continuance. Insurance Certificates shall be available for inspection by the Town Clerk on demand.

14. Regular Traders

The Council cannot guarantee a stall location will be reserved for a regular trader if he/she has missed 3 consecutive weekly markets. After a trader has been in attendance for 6 consecutive weeks prior to Christmas, he/she will be entitled to one week's trading at half rent during the first Friday market of January.

15. Non Attendance

Traders must telephone the Town Council Office to notify the Council of their non-attendance prior to the market (01948 663403), or telephone the site manager (07835049219) on the morning of the market.

16. New Traders

New Traders trading for three weeks on the same permanently vacant stall shall be considered regular traders from the fourth week if a vacancy exists and at the discretion of the Town Clerk.

17. Layout and Market Termination

- a. The Council reserves the right to close or alter the layout of the Market or close and stop sales at the facilities without notice and without liability to the trader, or any other person for any loss sustained directly or indirectly, if it is considered to be in the best interest of the Market, or the general public, and the right to close may be exercised by or on behalf of the Town Clerk.
- b. When termination of the market is ordered by the Town Clerk, no compensation of any kind will be due or paid by the Town Council.
- c. Except by written permission of the Town Clerk no trader, nor any person acting on his authority or consent, shall either interfere with or change the design or layout of the market or the facilities.

18. Damage to stalls

Traders may not alter, damage or deface the property of the Council. Any repairs required as a result of damage will be recharged to the trader.

19. Charity Stalls

Those wishing to apply for a free stall must write to the Civic Centre and Market Committee, in order to request a stall free of charge for one week. On usual trading grounds, Charity and Non Profit organisations selling tickets will have to pay the basic stall fee for the use of any tables in the Market Hall.

20. Demonstrating

Traders will not be allowed to use the facilities for the purpose of demonstrating, unless expressly permitted to do so by the Town Clerk. In the event of such permission being granted, the trader must conduct himself in such manner as not to cause interference or annoyance to other traders.

21. Vehicles

Vehicles should normally be removed from highways adjacent to the market facilities and the High Street by 8am.

22. Accidents

The Trader must report all accidents, disputes, thefts and disorderly conduct to the Town Clerk as soon as practicable.

23. Property of the Trader

The Trader agrees that the property of himself and his employees and agents, including goods vehicles, equipment and receptacles, whilst on property belonging to the Council in connection with the business of the Trader carried on at the facilities shall remain vested in the owner and the Council accepts no responsibility for any loss or damage thereto from any cause whatsoever.

Last revised 19th September 2013.