



Biggleswade Town Council

Market Policy

Policy Statement

As the owner of the market rights in the Town, Biggleswade 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 in support of this policy. The existing town centre retail market will continue to be operated by the Town Council and charges and regulations will be reviewed annually. **These are set out on Page 4.**

The Council will also continue to support the Farmers' Market. It will periodically review its arrangements 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:

- Biggleswade Town Council Charter Markets (including Market rights).
- Farmers 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

Biggleswade 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 town.
- Make markets a vibrant centre of activity and social community interaction.
- Establish new reasons for shoppers to visit the markets, review time spent by 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 Central Bedfordshire 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 regulations and charges on an annual basis.
- Promote an opportunity for market traders, as sole traders to operate their businesses in the town of Biggleswade.
- 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 Superintendent 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' & Craft 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 Biggleswade, 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 & Craft 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 & Craft Markets through existing publications and websites.
- Identify ways to link the farmers' & craft 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.

Commercial Markets

- Identify opportunities to promote and encourage commercial markets to attend Biggleswade.

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 Biggleswade Town Council, charities & community organisations can promote themselves during an Biggleswade 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, Biggleswade Town Council may take legal action against the individual, business or organisation in question.

Biggleswade Town Council

Biggleswade Charter Market

Market Hours

The hours of trade will be between **8.00am & 4.00pm**.

Trading will not take place before or after these times.

No traders will be permitted onto the Market area before **6.00am**.

All stalls and pitches will be occupied by **8.00am**.

All stalls on the market will be dismantled within **2 hours** of the official closing time.

Trading Conditions

Traders must comply with all current National and Local Legislation.

Traders who have an allocated “**Regular**” position must claim that position no later than the times specified.

Failure to do so may result in the temporary allocation of the trading position to a casual Trader.

If a Trader is absent from the market for three consecutive weeks, other than for holidays, sickness or bereavement, they will lose their regular trading position.

Unavoidable Delay

In the event of unavoidable delay through illness, vehicle breakdown or other reasonable cause, the Market Superintendent may reserve a particular trading position, at their discretion, provided that contact is made with the Market Superintendent prior to the letting time. In the event of difficulty please contact the Market Superintendent on **07976 529624**.

If a trading position is reserved as above and the trader fails to attend, the Council reserves the right to hold that trader liable for the payment of that position.

Holidays

Regular traders with a minimum of twelve months’ Regular service to the Market will be allowed **4 weeks’** charge free holiday between April 1st and March 31st of each year, in which they can either take the holiday or continue to trade.

If taking leave this must be pre-arranged by notice in writing to the Market Superintendent.

Leave may not be carried over into the succeeding year.

A week will compromise of a particular trader’s usual Regular trading day.

If a trader decides to forego their holiday entitlement and trade for a twelve-month period, (with no breaks), they will be given two weeks free trading in the first two weeks of April.

Sickness – Long Term Illness – Bereavement

Where a regular trader or their employee is absent through illness and a Medical Certificate is provided the Council may grant a maximum of two weeks free of Market Charges in any 12-month period.

Long term illness will be defined by a period of over 4 weeks. In situations where long term absence of a trader is necessitated through illness and where appropriate certification is provided, the Council will consider each case on an individual basis.

Regular Traders who suffer a close family bereavement will be allowed a one-day trading absence and no market charges will be payable for that day.

Market Charges

Charges will be payable on demand on the Market day.

The onus to pay the charges rest with the traders. Where a regular trader attends but fails to pay on demand, the trader will be considered to be in arrears and recovery action will be taken against the trader, together with all costs incurred in the recovery. In addition to the arrears interest will accrue on the outstanding balance.

Failure to pay on demand could result in the privilege of trading on the Market being withdrawn.

Traders shall not withhold payment of charges for any reason.

Traders will use only the stall or ground they have paid for.

An official receipt will be issued for charges paid. The receipt must be retained for the duration of the day's trading and be made available for inspection on demand by any authorised official acting for the Council.

The Council reserve the right to review the charges annually or as they see fit.

Allocation of Stalls

A casual trader attending the market must in the first instance report to the Market Superintendent no later than the appointed time for the market.

On completion of a registration form, the Market Superintendent will enter the trader's name, description of goods and date of registration on the casual traders list.

The list will be open to inspection by traders upon request.

The trader must provide proof of holding current Public Liability Insurance before they will be permitted to complete a casual trader registration form.

Registration does not guarantee that a pitch will be available.

Registered traders will maintain a policy of third party Public Liability Insurance to a minimum of 2 million pounds and produce such certificates of insurance on demand to the Market Superintendent or any authorised official acting for the Council.

Registered Traders trading on the market shall indemnify against all costs, claims and convictions arising as a result of the operation of the market.

Stalls will be allocated by the Market Superintendent, any trader found to be using a stall or pitch without prior authority will be asked to leave the market.

Allocations will be made on the basis of seniority of the trader, on the day's casual list and take into consideration the type of goods the trader may sell without detriment to adjacent traders.

Commercial Businesses within the Towns rateable area will be allocated a stall once annually and will be required to book through the Town Council offices giving at least three months' notice, a charge will be applied in accordance with the scale of fees.

Registered Charities trading donated goods to raise funds locally will be required to book through the Town Council Offices for an allocated stall. A deposit will be payable in advance and returned after taking possession of the trading position on the day.

National Charities seeking funding only by way of collections will be required to book through the Town Council Offices giving at least three months' notice.

Political Parties will be allocated a stall twice annually and at election times and will be required to book through the Town Council Offices giving at least 1 weeks' notice.

With the exception of Registered & National Charities, Political Parties and Commercial Businesses all leaflet drops, unrepresented commodities or novel goods requests, irrespective of the casual list will be considered by the Market Superintendent, and in his absolute discretion he will determine whether it is in the best interests of the Market to allocate a pitch.

Where a trader refuses to accept the trading location offered, they will be asked to leave the market and considered absent for that day.

The Council reserves the right not to allocate a trading position even if it remains vacant.

Traders **will** provide their own stalls & equipment which meets the standards of safety and appearance required by the Council, will be allowed to erect and trade from such equipment.

Any entertainment other than Town Council approved initiatives will be required to book through the Town Council offices giving at least 1 weeks' notice.

Goods to be Sold & Changes in Listed Goods

A trader shall sell or expose only the goods listed on his/her registration form.

Any requests for additions or changes in the type of goods must be submitted in writing to the Market Superintendent for consideration. The Market Superintendents decision will be final.

No trader shall store, display or sell any explosive materials, fireworks, hazardous liquids, bulk gases or any substance which might be a source of danger to anyone attending the market.

No trader shall store display or sell any item which is offensive to public taste and morals.

The Market Superintendent's decision will be final and binding.

Conditions Related to Use of Stalls

Traders are responsible for ensuring that they conduct their business in such a manner as to minimise the risk of fire.

Traders must not install any heating apparatus of any kind and the use of generators is strictly forbidden without prior consent of the Market Superintendent.

No goods shall be placed on the floor of the market or on or about the stall, so as to obstruct the free passage or viewing of goods by persons using the market.

Frontage build outs must not exceed the market boundaries.

Side displays and sheeting must not unreasonably obstruct facilities of sight lines immediately adjacent to trader's displays. Transparent sheeting should be used where necessary.

Refuse

All refuse and food waste shall be deposited by traders/agents/employees, in the containers provided for the purpose. Particular attention should be given to plastic bags, wrapping and other flimsies which would easily blow around the Town Centre. Cardboard and boxes, too large to fit in the containers' provided should be left next to the bins in a tidy stack. Coat hangers must not be left loose on the ground; they must be collected together and placed in the containers provided.

All traders are responsible for maintaining, free from refuse and in clean condition, the stall fittings and area immediately adjacent and underneath the stall. This regulation must be strictly adhered to and failure to do so may result in the loss of trading privileges.

Traffic on Market Premises

All Traffic on entering and exiting the market must use only the approved entrances and exits.

No vehicle shall exceed 5 mph on the market premises.

Vehicles unloading and loading must park in such a manner as not to obstruct the market premises and with the direction of the Market Superintendent.

All traders' vehicles are to be removed from the market premises in the morning no later than 9.00am and return in the evening not before 4.00pm in accordance with the market trading times, other than at the discretion of the Market Superintendent in extreme circumstances such as severe weather conditions.

Employment of Young Children

All market traders must comply with the Children and Young Persons Act, the Education Act and the Employment of Children Act.

A child is any person under the age of 18, (school age); **Employed** is extended to include any child who assists in a trade or occupation even where the child receives no monetary reward.

Conduct of Traders

Market traders, their agents and or employees paid or unpaid, are required to conduct themselves, whilst attending the market, in an orderly manner and not use their trading position so as to cause annoyance, inconvenience or concern to any other users of the market, Market Superintendent or any authorised official acting on behalf of the Council.

No trader may do anything on the stall and or the market premises which will contravene any statute, regulation or by law which may be in force.

Traders should not encourage their customers to utilise public or other toilets facilities as clothing changing rooms.

No trader shall engage in pitching i.e. calling out their wares.

The sale of live animals, fish, birds and other fowl shall not be permitted.

Acupuncture, ear piercing, tattooing or electrolysis will not be permitted.

Traders and producers selling food must be registered with either Central Bedfordshire Councils Environmental Health Department or the Environmental Health Department of their home authority.

All food must be transported, displayed and handled in accordance with Food Safety (General Food Hygiene) Regulations 1995 and Food Safety (Temperature Control) Regulations 1995 and any subsequent legislation.

Dispute procedure

All Traders are advised to comply with the lawful requests of the Market Superintendent and should if aggrieved record in a proper manner in writing to the Market Superintendent.

Any failure to resolve the dispute should be taken up with the Town Clerk where the aggrieved person and his/her representative will be given the opportunity to discuss the issue.

No approach shall be made to any elected Councillors until these procedures have been fulfilled.

In the event that any grievance relating to these regulations cannot be resolved by either the Market Superintendent or the Town Clerk, the trader may put their grievance in writing to the Chairman of the Town Centre Management Committee who will raise the matter at the next available meeting of the Committee or the next available meeting of the Council.

The decision of the Committee or the Council will be final and binding on all parties.

Signed

Print

Type of goods.....

Date/...../.....