

## EAST HERTS COUNCIL

### COMMUNITY SCRUTINY COMMITTEE - 27 JULY 2010

#### REPORT BY PAUL PULLIN, ECONOMIC DEVELOPMENT MANAGER

#### TASK AND FINISH GROUP REPORT: MARKETS IN EAST HERTS

#### WARD(S) AFFECTED: ALL

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### **Purpose of Report**

This report presents the key recommendations and actions arising from the Task and Finish Group's review of markets in East Herts.

<b>RECOMMENDATION FOR : Community Scrutiny Committee</b>	
(A)	That the revised East Herts markets policy (ERP C) is supported and commended to the Executive for approval.
(B)	That the key recommendations of the Scrutiny Task and Finish Group as set out in the report below at paragraph 2.6 and other actions as set out at 2.7 are supported.

<b>RECOMMENDATION FOR : Executive Committee</b>	
<b>1</b>	<b>That the comments of Community Scrutiny be taken into account</b>
<b>2</b>	<b>That the revised East Herts Markets Policy be approved</b>
<b>3</b>	<b>That consideration is given to:</b> <ul style="list-style-type: none"><li>• <b>establishing a markets maintenance budget of £2,000</b></li><li>• <b>increasing the marketing budget of £4,000, and</b></li><li>• <b>a one off capital allocation of £3,500 to purchase new stall covers.</b></li></ul>

### 1.0 Background

- 1.1 East Herts Council has the opportunity to make an impact in our town centres and to our rural economy by delivering a programme of actions in support of markets. Retail market traders and farmers market producers are micro/small businesses with a need

for businesses support actions, especially in the current climate. As the Market Authority, East Herts is in the unique position of being able to make direct and practical improvements to the benefit of all.

- 1.2 Improvements to the quality, appearance and overall markets offer is expected to contribute to increased footfall in our towns and to the vitality and viability of our town centres. In the case of farmers markets there is also a benefit to the rural economy as producers become more competitive.
- 1.3 The development of local produce sold locally also has a carbon reduction benefit as a result of reduced food miles.
- 1.4 The transfer of the markets service to the economic development team and the consequent investment of management support has significantly contributed to the resilience and growth capacity of East Herts Markets.

1.5 Scoping

- 1.6 At the Community Scrutiny Committee meeting on 21 July 2009, Members identified the topic of “Markets in East Herts” as one they wanted to review in detail and convened a task and finish group to undertake the review.

1.7 Task and finish group membership

Councillor Dorothy Hone (Chair)  
Councillor Victoria Shaw  
Councillor Nigel Poulton  
Councillor William Ashley  
Councillor Ralph Gilbert  
Councillor John Warren  
Councillor Nigel Clark

Officer support

Marian Langley (Scrutiny Officer)  
Tilly Andrews (Economic and Tourism Development Officer)  
Paul Pullin (Economic Development Manager)

- 1.8 The Markets Task and Finish Group agreed the scope of the work at its first meeting. The purpose of the review was to “review the viability of the markets offer in East Herts and to identify

achievable outcomes and objectives to improve the retail experience of town centres, contribute to the shopping offer and reflect the historical value of the heritage of our towns". The task and finish scoping document is presented at Essential Reference Paper B attached.

#### 1.9 The intended outcomes/objectives

- a) Increase footfall in town centres
- b) Protect the existing market offer and encouraged increased trader numbers
- c) Identify measures that will enhance the market offer and improve the customer experience
- d) improve value for money
- e) Update the current policy
- f) Improved provision of outlets for local farmers and producers to sell their produce

#### 1.10 The group agreed to include the following actions and activities, some of which were already underway, within the scope of the review.

- a) An internal audit review of markets including investigation of direct debit systems and a review and monitoring of pitch spreading.
- b) Use data from the National Farmers Retail and Markets Association's (FARMA) Healthcheck of Hertford Farmers Market.
- c) The introduction of an annual review of licences, investigation of seasonal licences and an update of existing producers applications with an introduction for new producers.
- d) Undertake a comparison of East Herts retail/charter markets with the National Association of British Market Authorities (NABMA) members elsewhere including local authorities neighbouring the District.
- e) A review of retail/charter market licences on an annual basis.
- f) Consideration of more effective joint working with other licensing functions undertaken by the Council (e.g street trading, charity collections).
- g) A review of costs to the market contained within waste and street cleansing contracts.
- h) An investigation of winter incentive schemes for market traders.

- i) The provision of updates about the Bishop's Stortford market proposal for North Street.
- j) Liaison with town partners to increase specialist markets
- k) Ensuring local parishes and local schools are aware of the Council's licensing requirements.
- l) A review of the current licensing policy and production of a clear, customer friendly document. Also review markets criteria within the policy and level of charges in the context of income and expenditure.

## 2.0 Report

### 2.1 Programme

The group had eight working meetings between and including +1/9/09 and 9/4/10 with a final report meeting on 23/6/10. Expert witnesses were also called to present evidence and a number of site visits made to neighbouring markets.

2.2 The group considered the European Union Services Directive on markets. This is a policy directive from the EU sent to Local Authorities by the Department of Business, Innovation and Skills (DBIS). NABMA, on behalf of its members, has obtained legal advice about the directive and has also lobbied DBIS. Their advice to members is that:

a) The Directive if adopted would undermine the protection for Charter and other markets established by deed and should therefore not be implemented in full at this stage;

b) Market Authorities should ensure that their websites provides information that is accessible to potential traders;

c) Markets should formally adopt the NABMA advice as policy.

2.3 The task and finish group is recommending that NABMA advice should be followed at this time: the Director of Neighbourhood Services will present a future report on the subject.

### 2.4 Witnesses

Steve Knights (East Herts Council Markets Manager)  
 Janine Garner (Bishop's Stortford Town Centre Manager)  
 Jan Wing (Secretary of Ware Town Partnership)  
 Gareth Jones (FARMA)

Sue Thomson (FARMA)  
 Graham Wilson (NABMA)  
 Paul Thomas (East Herts Council – Environmental Health)  
 Paul Newman (East Herts Council – Licensing)  
 Ross Rospo (Retail Market Trader)  
 Catherine Smith (Local Producer, Foxholes Farm)  
 Tim Waygood (Local Farmer – Church Farm, Ardley)

A written statement was also received from the Sawbridgeworth Town Partnership.

## 2.5 Site visits

Hertford Retail Market  
 Epping Forest Retail Market  
 Hatfield Farmers Market  
 Bishops Stortford Retail Market  
 Saffron Walden Retail Market  
 Bury St Edmunds Retail Market  
 Great Amwell Farmers Market  
 Royston Retail Market  
 Sawbridgeworth Farmers Market  
 Ware Retail Market  
 Church Farm Ardley

## 2.6 Key recommendations

<u>Recommendations</u>	<u>Drivers/rationale</u>	<u>Link to agreed scoping and outcomes</u>
(1) Adoption of a revised Markets Policy (as attached at ERP C)	<p>a) There is an identified need to clarify the language used in the existing markets policy to make it more customer friendly</p> <p>b) Task and finish also agreed that there is a need to rationalise the market rights issue related to distances between markets and return to the original 6 2/3 miles distance.</p> <p>c) NABMA has commented on the policy amendments and supports the revised document.</p>	<p>1.9 (e)            1.10 (l)            1.10 (c)            1.10 (e)</p>

	<p>They have also emphasised the importance of a clear markets policy in protecting the market rights of market authorities. (The key reference book for market rights is Pease and Chitty's "Law of Markets and Fairs")</p>	
<p>(2) East Herts Council should continue to support and invest in local markets and seek to provide an attractive and uniform appearance for the markets.</p> <p>Therefore additional annual revenue marketing budget increase of £4,000 is requested to supplement the existing £2,100 for retail markets and will provide an identified budget for farmers markets which does not currently exist.</p> <p>And an annual maintenance budget of £2,000 is requested along with a one off budget of £3,500 to pay for new stall covers in Hertford and Ware.</p>	<p>There is currently no budget for the promotion of farmers markets. Following evidence of dwindling support for Hertford Farmers Market, officers introduced a number of measures to increase vibrancy including a new layout and a promotional programme of radio and newspaper advertisements, advertorial and press releases. This approach helped deliver a highly successful market on 12/6/10.</p> <p>The marketing budget is requested to ensure sustainability of all markets and the economic benefits that will accrue as a result.</p> <p>The maintenance budget and new stall covers will help ensure an attractive market that complies with health and safety requirements.</p> <p>Investment (albeit modest) is considered key to the aims contained in this report.</p>	<p>1.9 (a) 1.9 (d) 1.10 (g)</p>
<p>(3) Officers are also instructed to continue to explore external funding opportunities for the enhancement</p>	<p>The Council has successfully bid for £135,000 of funding to improve Bishops Stortford market and introduce enhancements to the access points and towpath</p>	<p>1.9 (d) 1.10 (i)</p>

<p>of markets in East Herts. The group agreed that relevant County Councillors should be approached to identify whether their locality budget allocations could be used.</p>	<p>along the River Stort. The package of measures includes -</p> <ul style="list-style-type: none"> <li>• the relocation to North Street of stalls from elsewhere in the town</li> <li>• the purchase of attractive new uniform stalls for the market traders</li> <li>• the introduction of electricity for traders and for town centre events through the installation of electric bollards</li> <li>• improved signage</li> <li>• new street furniture</li> <li>• the introduction of cycle racks</li> <li>• kerb enhancement</li> </ul> <p>Task and finish group would like to see benefits for other markets in the district.</p>	
<p>(4) Agree that officers be empowered to operate discretionary charges in special circumstances e.g extreme weather conditions, unforeseen maintenance work</p>	<p>The meeting discussed the experiences in the markets during the severe weather conditions last winter (2009). Traders (as well as the markets manager) faced extreme conditions but still managed to turn up to enable the markets to run. Discretion will reward loyalty and foster goodwill.</p>	<p>1.9 (b) 1.10 (h) 1.10(d)</p>
<p>(5) Introduce financial incentives in the form of discretionary discounts - for traders during the January – March period - dependent on weather conditions and other factors</p>	<p>Experience of piloting this scheme at Ware market suggest it should be rolled out elsewhere.</p>	<p>1.10 (h) 1.10 (d)</p>
<p>(6) Retain existing rent</p>	<p>The Ware market experience</p>	<p>1.9 (b)</p>

levels	suggests that increased rental is likely to reduce numbers of traders and therefore result in reduced income to the Council. Research shows that our current rents are broadly in line with neighbouring authorities and evidence to show this was produced at the second Task and Finish group meeting.	
(7) Continue to liaise closely with NABMA about the EU Services Directive and adopt their advice as the East Herts policy position.	See note 2.3 above	1.9 (b)

## 2.7 Other actions

<u>Other actions</u>	<u>Drivers/rationale</u>	<u>Link to agreed scoping and outcomes</u>
(1) Seek funding opportunities to invest in new stalls for Hertford and Ware	Feedback from task and finish members after site visits to other markets	1.9 (c) 1.10 (d)
(2) Explore alternative layouts for Hertford Farmers Market	Evidence provided by FARMA following a Healthcheck review of Hertford Farmers and after discussion with representatives of the producers.  This work has now been completed.	1.9 (c) 1.10 (b)
(3) Explore the possibility of introducing additional pitches into Ware Market (especially into	Harness Tesco's customer footfall opportunities to Ware Market.	1.9 (b) 1.9 (c)



space near the Tesco entrance)		
(4) Link with licensing teams	Joint work on the EU directive and evidence provided by East Herts officers from Environmental Health and from Licensing	1.10 (f)
(5) Explore (Subject to resources) options for introducing cashless payment systems and explore the option of online payments	Audit team recommendations	1.10 (a)
(6) Identify a secure storage area for equipment	To protect any investment in stalls or other equipment purchased to support and enhance the operation of the markets.	1.9 (c) 1.10 (d)
(7) Explore additional venues for Farmers Markets, especially in our rural areas (e.g farm shops)	Support to Rural Businesses Reduction of food miles Increase in demand for local produce	1.9 (f) 1.10 (j)
(8) Inform schools/parishes of licensing requirements	Minimise payment default and establish consistency across the district. Completed	1.10 (k)
(9) Ensure licenses and “refrain from smoking” signs are displayed on stalls	Appearance and impact of the market and confidence of customers.	1.9 (c)

### 3.0 Background Papers

Results of FARMA Healthcheck of Hertford Farmers Market  
NABMA National Survey

Government Select committee Report “Market Failure: Can the  
Traditional Market Survive?” website link

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmcomloc/308/30802.htm>

Notes of all Task and Finish Group Meetings available from Scrutiny  
Officer on request

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Planning, Transport and Economic Development

Contact Officer: Tilly Andrews, Economic and Tourism Development  
Officer extn 1506

Report Author: Paul Pullin, Economic Development Manager extn  
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## ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p><b>Promoting prosperity and well-being; providing access and opportunities</b>  <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p> <p><b>Pride in East Herts</b>  <i>Improve standards of the neighbourhood and environmental management in our towns and villages.</i></p> <p><b>Caring about what's built and where</b>  <i>Care for and improve our natural and built environment.</i></p> <p><b>Shaping now, shaping the future</b>  <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p>
<p>Consultation:</p>	<p>Range of stakeholders and expert witnesses as set out in report.</p>
<p>Legal:</p>	<p>Approach to issue identified in report in relation to EU directive has been agreed by the council's legal service.</p>
<p>Financial:</p>	<p>Modest growth items identified in report.</p>
<p>Human Resource:</p>	<p>None.</p>
<p>Risk Management:</p>	<p>None.</p>

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**Scoping considerations for Scrutiny Committee.  
Review of Markets in East Herts ERP B**

What is the purpose of the review – what would it achieve?

**To review the viability and effectiveness of the markets offer in East Herts and to identify achievable outcomes to improve the retail experience of town centres, contribute to the shopping offer and reflect the historical value of the heritage of our towns.**

Intended outcomes:

Increase footfall in town centres

Protect the existing market offer and plan to Increase trader numbers

Identify measure that will enhance the market offer and improve the customer experience

Consider council budgets related to markets with a view to improving value for money

Update current policy

Provide outlets for local farmers and producers sell their produce and products

Scope

Audit review

- Investigate Direct Debit systems
- Review and monitoring of pitch spreading

Hertford Farmers' Market

- FARMA Healthcheck
- Introduce an annual review of licences and investigate seasonal licences
- Update existing producers applications and introduce to new producers

Retail/Charter Markets

- Compare other markets with NABMA members and surrounding local authorities
- Review and update licences on an annual basis
- Link to Council other licencing service ie street trading and charity collections
- Review collection of market waste and street cleansing
- Investigate trader 'winter incentive' schemes on Thursday market during January – March
- Investigate North St closure on Thursday market and rebrand, make links with WI and investigate the possibility of a monthly farmers market.

Specialist/Private Markets

- Liaise with towns to introduce more specialist markets
- Inform towns/parishes/schools etc of the licencing requirements

<p><b>Market Policy</b></p> <ul style="list-style-type: none"> <li>• Review current policy and introduce a clear, customer friendly document</li> <li>• Review criteria, markets within the policy and level of charges and review income and expenditure</li> </ul> <p><b>Assets</b></p> <ul style="list-style-type: none"> <li>• Maximize market stall usage</li> </ul>
<p><b>How would you judge if it were successful?</b></p> <p>The measure will be increased traders, footfall in towns on market days, impact on budgets.</p>
<p><b>What would be the distinct stages and timing of the review?</b></p> <p>FARMA Healthcheck – September 2009          Scoping report and first recommendations - 27 Oct 2009          NABMA markets consultation – September/October 2009          Consultation with public. (for example through Link) – Autumn/Winter 09          Invite external organizations/expert witnesses – January/February/March 2010          Consultation with town and parish councils and town partnerships – Feb/March 2010          Final Report back - 27 April 2010</p>
<p><b>How could our residents (and partners) be involved? (Location of meetings?)</b></p> <p>Consultation in Link magazine/local press and FARMA Healthcheck</p>

<p>Documents/evidence/research  <i>What?</i> Market Policy</p> <p><i>Why?</i> Need to update policy and make more user friendly</p>	<p>Questions to be asked</p>
<p>Site visits  <i>Where?</i> Following consultation results 4 possible visits could be arranged to the following:</p> <ul style="list-style-type: none"> <li>• Non accredited farmers market</li> <li>• Accredited farmers market</li> <li>• One village farmers market</li> <li>• One other retail street market</li> </ul> <p><i>Why?</i> Compare Hertford accredited Farmers market with other farmers' markets accredited and non to see how successful and if there is public awareness if a market does not follow FARMA criteria and build in its own criteria.</p>	<p>Questions to be asked</p> <p>There is an obligation for the local authority to licence all markets under the food &amp; drugs Act, therefore village farmers markets need to comply and be issued a licence to trade. This also acts as a protection for them against other markets. There is a need to determine at what level these markets are charged based on the criteria set out in the revised policy.</p>

<p>A neighbouring street market in order to compare layout, road closures, style of stalls etc</p>	
<p>Support required from officers <i>Who/What?</i> Paul Pullin/Tilly Andrews</p> <p><i>Why?</i> Economic Development Manager responsible for:</p> <ul style="list-style-type: none"> <li>• RDPE</li> <li>• Lifelong Learning</li> <li>• Hertfordshire Works</li> <li>• SCS Group</li> <li>• Heritage/Museums</li> <li>• Business Engagement</li> <li>• Local Projects eg vacant shops</li> </ul> <p>Economic &amp; Tourism Development Officer responsible for:</p> <ul style="list-style-type: none"> <li>• Tourism Partnerships – local, countywide, regional and national</li> <li>• Marketing and Promotion</li> <li>• Local Projects eg training for tourism businesses</li> <li>• Markets – Policy and Strategy, Development, Management</li> <li>• Economic development – Business Engagement</li> </ul> <p>Communication Team</p>	<p>Questions to be asked</p>
<p>Witnesses <i>Who?</i></p> <ul style="list-style-type: none"> <li>• NABMA</li> <li>• FARMA</li> <li>• Joseph Fitzgerald Sawbridgeworth Town Partnership</li> <li>• East Herts Licensing Officers for charity collections and street trading</li> <li>• Traders and producers</li> <li>• Steve Knights East Herts Council Market Manager</li> </ul> <p><i>Why?</i> NABMA – East Herts Council is a member of this national body. NABMA has substantial experience of policy, operations and legal issues related to markets. FARMA – As above but related to farmers Markets. Traders and producers – our market</p>	<p>Questions to be asked *<b>NABMA</b> = National Association of British Markets Authorities *<b>FARMA</b> = National Farmers Retail and Markets Association</p> <p>Liaise with NABMA to track the progress of the EU directive on markets and it's implication for local policy.</p>

<p>wouldn't function without them</p> <p>Licensing Officers - to maintain that there is no overlap during market days and that charity collection are not located on a market pitch.</p> <p>Traders &amp; producers – To identify a link between retail traders and producers.</p> <p>Market Manager – To identify the problems that may arrive during an average market day and possible solutions.</p>	
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AGREED FOR REPORT



**DRAFT 2010      ERP C**

## **East Herts Council - MARKET POLICY**

### **Policy Statement**

As the owner of the market rights in the District, East Herts 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 town centres, encouraging tourism and trade, supporting village based markets and supporting local producers in bringing their produce to the customer, especially where this helps farmers to diversify their business.

The Council will fully use its powers under the Local Government Act 2000 and use those resources it has available both internally and externally 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 to compliment existing charters and support this policy. Existing town centre retail markets will continue to be operated by the District Council and traders licenses will be reviewed annually. Externally run markets applying for a license, will be reviewed on each application.

As the owner of the market rights in the District, the Council recognises that it holds a monopoly. This policy will enable it to manage that monopoly responsibly and fairly. However, where a market sets up illegally in the District, that is, without a licence being issued, the Council will seek an injunction in the High Court to stop that market.

### **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:

- East Herts Council Markets (including Charter Markets)
- Farmers Markets
- Car Boot Markets
- Commercial Markets (eg Continental 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 without first obtaining approval and a licence from East Herts Council's Economic Development Market Section.

## **Objectives**

### **East Herts Council Markets**

- 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.
- Encourage casual traders to become licensed traders. Casual traders will not be allowed on markets unless they provide evidence of public liability insurance.
- Review market rules and regulations, shoppers' charter, health & safety and equal opportunities guidelines on an annual basis.
- Promote an opportunity for market traders, as sole traders to operate their businesses in the towns of East Herts.

This version of draft prepared for final meeting of task and finish group

- 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 Manager overlap products with an existing trader, however applications will be assessed individually and the Council may take the view that 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 towns and villages in the District.
- Help protect the rural environment of the District 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.
- Review markets within the area and avoid duplication

### **Car boot Markets**

- Work with the operators to provide a clean and safe area to trade.
- Provide guidance about trading standards to operators.
- Review seasonal licenses such as summer car boots and one off school car boots etc.
- Avoid duplication with others markets of a similar nature.

### **Commercial Markets**

- Review individual licensing applications for one off markets.

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- Review the number, locations and when markets can operate around the district in order to prevent duplication.
- Review seasonal licenses ( ie summer/Christmas ) markets based on the quality of the application and nature of the market such as town/village events

### **Charity & Community Markets**

- 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 East Herts Council, charities can promote themselves during an East Herts Council Market at a reduce rate providing space is available and charity registration number supplied.

### **Criteria**

#### **Charter Markets**

- No market will be authorised within six and two third miles of an existing Licensed Market which operates on the same day.
- Five stalls constitute a market
- A license will form a contract between stallholder and the Council
- The licensee shall not assign or part with their rights under their Licence to any other person
- Traders must adhere to the market rules and regulations document which includes health & safety policy, equal opportunities policy and shopper charter. A copy of the Market Traders Information Pack is available on request.

#### **Farmers Markets, Car Boot Markets and Commercial Markets**

- No market will be authorised within six and two third miles of an existing Licensed Market which operates on the same day. This will not apply to Farmers Markets that have set up operations under the provisions of the previous policy of 2004.
- Five stalls constitute an a market
- A license will form a contract between the operator and the Council
- Application fee will be based on size of the market and payable prior to the market day. See Fees section for information.
- The Council can request a list of products, sales and traders attending.

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- Market operators must comply with trading standards guidelines, have adequate insurances and where necessary food hygiene certificates and food registered for business.
- Where necessary consultation with police, fire, health & safety, highways and planning regulations should be carried out in order to maintain correct procedures
- Adequate toilet and washing facilities should be available for traders and public.
- The licensee must ensure that there is adequate parking on the market site for both sellers and buyers.
- The licensee must ensure that there are sufficient stewards on duty to control traffic entering and leaving the market site, and to control parking on the site in a safe manner.
- The Licensee must provide suitable receptacles for the disposal of litter, and ensure that all rubbish is removed from the vicinity of the market at the end of the day's trading.
- The licensee will not permit the use of any noisy instrument, amplifier or loudspeaker on the market place unless an entertainments license has granted.
- The licensee shall not permit the sale of, exchange or giving away of any living animal, bird, fish, reptile or other livestock on the market place, nor permit them to be displayed or disposed of in any manner.
- The licensee of a car boot market will not permit any professional traders to trade on the market. The Council may request proof of goods being sold.
- The licensee shall not assign or part with their rights under this Licence to any other person.
- The Licence may be terminated by either party by giving twenty eight days notice in writing.
- The licensee agrees to allow access to appropriate officers in the interest of public safety.

### **Charity & Community Markets**

- Five stalls constitute a market
- The Council may request proof of charitable status and charity accounts.
- The Council may request evidence that profit earned from the market will be used for charitable or community purposes.

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- At markets where commercial traders sell for profit, the Council may request evidence that a percentage of their profits will be used for the charity or community purposes.
- Licence and fee will be based on each market application inline with current fees and charges
- Market operator must meet trading standards guidelines; have adequate insurances and where necessary food hygiene certificate and food registered for business.
- Where necessary consultation with police, fire, health & safety, highways should be carried out.
- Adequate toilet and washing facilities should be available for traders and public.
- The licensee will ensure that there is adequate parking on the market site for both sellers and buyers.
- The licensee must ensure that there are sufficient stewards on duty to control traffic entering and leaving the market site, and to control parking on the site in a safe manner.
- The Licensee must provide suitable receptacles for the disposal of litter, and ensure that all rubbish is removed from the vicinity of the market at the end of the day's trading.
- The licensee will not permit the use of any noisy instrument, amplifier or loudspeaker on the market place unless an entertainment license has granted.
- The licensee agrees to allow access to appropriate officers in the interest of public safety.
- A charity/community market may allow up to 30% of the traders to be professional. Any more will be considered a commercial market.
- The Licensee shall not permit the sale of, exchange or giving away of any living animal, bird, fish, reptile or other livestock on the market place, nor permit them to be displayed or disposed of in any manner.

### **Note**

A Local Authority is entitled to the right of protection within a common law distance of six and two third miles, ie a right to protection of a lawful market which a Local Authority operates or issues a licence for. 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**

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- It is the responsibility of the licensee to ensure compliance with the conditions of the market licence.
- The Council reserves the right to rescind a market licence, in accordance with the Council's enforcement policy, should there be any breach of the licence conditions.
- The Council will consider taking enforcement action against markets that set up in the District without making an application for a licence under the provisions of this policy.
- The Council will deal with complaints about markets using its existing policies depending upon the complaint.

### **Fees**

Fees will be reviewed annually. The following are categories of fee charges:

- Licensed traders fee for a pitch on a Charter Market
- Casual traders fee for a pitch on a Charter Market
- Licensing fee for a Charity & Community Market is one fee per market
- Commercial Market up to 10 stalls per market
- Commercial Market 11 – 30 stalls per market
- Commercial Market 31 plus stalls per market
- Farmers Markets/Car Boot Markets will fall under the fees for commercial markets with the exception of those which are a charity or community run and where a percentage or all of the profit from sales reverts back to the charity or community organisation.

### **Note**

- Licence fees for markets do not include any other fees that may be charged in order to comply with other relevant legislation, for example, a Game Licence. Where a charity or community market is granted a license then the council may require evidence that any profit from the market is re-invested into the organisation/charity/community projects.
- The Council recognises that it is important to consult with market traders and will endeavour to carry this out wherever possible.

### **Licensing and application process**

The Council will issue licences subject to the completion of an application form by the applicant. Licences will be assessed and issued by the Council on receipt of the appropriate fees. Applications are available online as well as hard copy.

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Where applicants are refused a licence, a reason will be provided.

Applications for a license should be addressed to  
Customer & Community,  
Economic Development,  
Wallfields,  
Pegs Lane,  
Hertford,  
Herts,  
SG13 8EQ

### **Other licensing operated by East Herts Council**

#### **Street Collection permits**

Licensing and Community Safety administer and issue Street Collection permits, which are required for collections of donations of cash, on the public highway, for charitable purposes. Permits are free.

Street Collection permits are presently **not required**;

- on public open spaces which are not part of the highway (whether or not the spaces are publicly owned), or
- for charitable collections which are not cash (e.g. direct debit pledges and expressions of interest),
- for collections that are not for charitable purposes (e.g. removing coins from public fountains),
- for the sale of goods for charitable purposes (e.g. second hand bookstalls outside churches).

This is likely to change in the future under the Charities Act 2006, however the implementation timetable for this Act is already out of date, and there is presently no indication when this will change.

The future changes will be extending the permit system to all public open space, whether on privately owned land or not (e.g. to include supermarket car parks), and to include direct debit fundraising. There will also be limits on the reasons for which the Council will be able to refuse a permit, which may mean fundraisers in each locality on every second day.



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At present, all public facing professional charity fundraisers, (including so-called 'chuggers' or direct debit collectors), are required to comply with the Professional Fund Raisers Association code of practice. In effect, this means they engage with our diary booking system **as if they had** been granted a permit by us to conduct cash fundraising.

### **Distribution of free literature permits**

Licensing and Community Safety administer and issue distribution of free literature permits on behalf of Contract Services, who implemented the order.

Permits are £30, but the fee may be waived for not for profit organisations that want 5 or fewer distributor badges.

Conditions require distributors to clean up discarded leaflets, and do not allow them to be placed on unattended vehicles.

### **Premises Licenses and Busking**

Licensing and Community Safety can issue premises licences for areas of public open space, to allow regulated entertainment (busking and street theatre). The only licences at present are issued to Hertford Town Council, for 5 pitches in Hertford Town Centre. Hertford Town Council can give permission to performers to use their licences. This is administered on their behalf by the tourist information centre. Premises licences could also be used for circus on common ground etc

### **Street Trading**

On the 1st August 1984, East Herts Council adopted the provisions made under the Local Government (Miscellaneous Provisions) Act 1982 which allowed it to control street traders within parts of East Herts. At that time the Council specified the streets where permission was needed as the urban areas of Sawbridgeworth, Ware, Hertford and Bishop's Stortford as well as the main 'A' roads within the district. Street trading within any other area, such as the villages was not covered by this adoption, as such remains un-regulated from a licensing perspective.

Anyone wishing to undertake street trading within one of the Council's adopted streets, would need to seek permission from Health & Housing before they

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trade. Upon receipt of an application form, the Council would consult with the Police and Highways to see if there are any concerns regarding the flow of traffic or similar safety issues. The Council would then be able to issue the licence or refuse it depending on the consultation response.

There are a number of activities that fall outside of the street trading consent scheme, these include but are not limited to, markets or fairs, licensed Pedlars, news vendors and roundsmen.