

## **East Herts Council Report**

### **Executive**

**Date of Meeting: 07 October 2025**

**Report by: Cllr Vicky Glover-Ward, Executive Member for Planning and Growth**

**Report title: Consideration of the draft Markets Policy 2025-2030 following public consultation**

**Ward(s) affected: All**

**Summary** – East Herts Council’s Corporate Plan 2024-2027 recognises the importance of markets to the local economy and the character of the district. The council has various roles with regards to markets in the district. It is an operator of markets, a licensing body and, overall, a promoter of the establishment of new markets.

In July 2024, the council amended its approach to the licensing and regulation of markets to utilise its powers under the Food Act 1984 rather than the Local Government (Miscellaneous Provisions) Act 1982 as previously. The proposed Market Policy builds on this change and provides a policy framework for promoting and growing the council’s existing markets while also enabling the diversity of markets throughout East Herts.

In addition, the council is itself a market authority within the meaning defined in Part III of the Food Act 1984, in that it is the body which currently operates markets in Hertford and Ware under the existing Royal Charters for these markets, and a Farmers’ Market in Hertford in line with the Food Act. The proposed Markets Policy recognises the role of the council as an operator and promoters of markets.

### **RECOMMENDATIONS FOR EXECUTIVE:**

- (a) That the Market Policy, as amended following public consultation, be adopted, taking effect from the 1<sup>st</sup> January 2026.**

#### **1.0 Proposal(s)**

- 1.1 That the draft Policy at Appendix B, which has been amended

following consultation, is considered by the Executive who, having made any further amendments should they wish, then approve it for adoption.

## **2.0 Background**

- 2.1 In 2020, the council updated and consolidated its aged policies regarding street trading and market trading into a new Street Trading Consent Policy. At the time, the council chose to regulate markets under powers contained in the Local Government (Miscellaneous Provisions) Act 1982. This policy change unified and simplified the council's approach.
- 2.2 Since introduction of the new policy in 2020, however, the council and other partners, notably several town councils in the district, have expressed a renewed interest in providing, developing and promoting markets. Indeed, the council's Corporate Plan, approved by Council on 28th February 2024, explicitly states that a key priority for council is to 'help create thriving high streets, by encouraging local markets...'
- 2.3 Given this fresh focus, East Herts Council invited the Association of British Market Authorities (NABMA) to advise on market promotion, licensing and regulation and offer ideas for enhancing the local offer. Central to NABMA's advice was that, in their words, '*the Food Act 1984 contains the modern statutory framework for markets*'.
- 2.4 Thus, in order to fully utilise the powers and freedoms afforded the council under the Food Act 1984, notably to introduce new incentives, fees structures and other market licensing policies and procedures, the Director for Communities (then the Head of Housing and Health) utilised his delegated authority to amend the council's legislative basis for market licensing and regulation from use of the Local Government (Miscellaneous Provisions) Act 1982 powers to those in the Food Act 1984.

2.5 To fully enhance the council's role in promoting, operating and ensuring the safe provision of markets in the district, a Markets Policy is now being put before the Executive.

**3.0 Reason(s)**

3.1 With the move in July 2024 to licensing markets under the provisions of Part III of the Food Act 1984, there is a power to implement a Markets Policy (herein 'the Policy').

3.2 The new Policy is intended to help increase the number and diversity of markets across the district by providing clear guidelines to perspective market operators whilst protecting the historic markets.

3.3 In order to properly consult on the proposed new Policy, a four-week public consultation was started on the 21<sup>st</sup> July 2025. The consultation was due to end on the 17<sup>th</sup> August but this deadline was extended at the request of Hertford Town Council so as to allow them to consider the draft Policy at their Council meeting on the 18<sup>th</sup> August 2025.

3.4 During the consultation period two responses were received, one from a member of the public and the other from Hertford Town Council. These are attached as **Appendix A**.

3.5 The first response to the consultation does not directly relate to the draft Policy or suggest any amendments but has been included for completeness. Its primary focus is the established Farmers' Market in Hertford.

*I just want to state that Hertford Farmers Market has been decimated by the fact that EHDC has required the 'true' Farmers Market stallholders (notably the Lamb and Vegetable Stalls - both who are actual local Farmers and who had attended for many, many years) to pay an annual payment for the stall – neither could afford such an outgoing and hence have stopped attending. This needs to be changed to something more financially sensible for struggling local*

*Farmers, it should revert back to monthly payments, or maximum three monthly payments. As these are local farmers EHDC should actually provide the stalls for a 'Peppercorn' rent.*

3.6 Fees and Charges for Markets are dealt with separately to the Policy and will be reviewed considering the new Policy. East Herts Council actively tries to promote the Farmers' Market, including offering free trials for new traders. Earlier in 2025 the ability to pay quarterly was introduced which is one of the things requested in this response to the Policy consultation. As fees are a separate matter no changes to the Policy are proposed in response to this representation.

3.7 The second response was received from Hertford Town Council following a meeting held on the 18<sup>th</sup> August 2025. Below is an abridged list of the matters raised (the full response is included in Appendix A) and the officer responses:

<b>Comment</b>	<b>Response</b>	<b>Action</b>
Section 1- The policy introduction could improve clarity that the policy applies to both the licensing of markets and the management arrangements for Hertford and Ware markets and market traders.	Additional text has been added to help with clarity.	Change made, see Section 1, Appendix B.  <i><u>The Policy <u>applies to markets looking to operate within East Herts and markets and traders operated and licensed by East Herts Council. It will be reviewed at a minimum of five yearly intervals.</u></u></i>
Section 4 states that – 'All markets held within Hertford and Ware are licenced and operated under the Royal Charter or in accordance with the	An additional sentence has been added to help with clarity.	Change made, see Section 4, Appendix B.  <i><u>In July 2024, the council amended its approach to the</u></i>

<p>provisions of Part III of the Food Act 1984.’ This could therefore be made clearer in the policy.</p>		<p><u>licensing and regulation of markets to utilise its powers under the Food Act 1984, from this date all new markets are licensed under Part III of the Food Act 1984.</u></p>
<p>Some clarity was requested on the scope of the policy and how event organisers would know if their events would be covered by the definition of a market or not. It was suggested that it would be helpful for a heading be included ‘When is a licence not required’ so that event organisers know what East Herts Market Policy does not apply to.</p>	<p>The Policy details what is covered, to include a list of what is not covered would lengthen the Policy and could not be exhaustive.</p>	<p>A sentence has been added to Section 5 suggesting that event organisers should check with the Licensing team if they are unclear if their event should be licensed as this can only really be assessed on a case-by-case basis.</p>
<p>It was noted that the decision on appropriateness of goods to be sold is taken by the Licensing Officer and considers all matters that may be brought to their attention.</p>	<p>There is a list of prohibited items within the Policy but where concern is raised about a particular item that isn’t listed, its appropriateness will be reviewed by a Licensing Officer.</p>	<p>No change to Policy proposed.</p>
<p>A concern was raised about the number of traders on the Farmers’ Market, and it was explained that efforts have been made to attract new traders.</p>	<p>As detailed above, free trials are offered, and traders can pay quarterly if they wish. This is an operational rather than Policy matter so no change to the policy is</p>	<p>No change to Policy proposed.</p>

	proposed from this comment.	
Section 6 Fees – it was noted that the section on fees only refers to fees for commercial markets and community-based markets. No detail is provided on how fees are collected / paid for by individual market traders. The new fees are not yet published.	Details on how to pay fees and the amounts will be included on the webpage once they have been set. A sentence regarding this has been added to section 6.	Change made, see Section 6, Appendix B.

3.8 The proposed Market Policy, as amended following consultation, is attached at **Appendix B**.

#### **4.0 Options**

4.1 To approve the Policy included at Appendix B – RECOMMENDED.

4.2 To approve the Policy at Appendix B, amended as appropriate.

4.3 To not approve the Policy at Appendix B.

#### **5.0 Risks**

5.1 None identified by author.

#### **6.0 Implications/Consultations**

##### **Community Safety**

Clear guidelines regarding unacceptable items to be sold in a market are included so that there is not additional access to items that may cause harm, such as hunting knives.

##### **Data Protection**

None arising directly from this report.

## **Equalities**

The council is not aware of any socio-demographic changes in the district that would result in residents with protected characteristics now becoming disproportionately impacted by the contents of the new Policy.

## **Environmental Sustainability**

None arising directly from this report.

## **Financial**

The Food Act 1984 allows an authority to set fees at a level of its choosing. The council wishes to use this freedom to ensure cost recovery so as to ensure the operation of the markets is self-funding.

## **Health and Safety**

Some parts of the Policy contribute to health and safety by ensuring standards are maintained.

## **Human Resources**

None arising directly from this report.

## **Human Rights**

None arising directly from this report.

## **Legal**

Markets will operate under the Part III of the Food Act 1984.

## **Specific Wards**

None

### **7.0 Background papers, appendices, and other relevant material**

7.1 **Appendix A** – Consultation responses

7.2 **Appendix B** – Draft Markets Policy 2025-30

## **Contact Member**

Councillor Vicky Glover-Ward, Executive Member  
for Planning & Growth

[Vicky.Glover-Ward@eastherts.gov.uk](mailto:Vicky.Glover-Ward@eastherts.gov.uk)

**Contact Officer**

Jonathan Geall, Director for Communities

Contact Tel No 01992 531594

[Jonathan.Geall@eastherts.gov.uk](mailto:Jonathan.Geall@eastherts.gov.uk)

**Report Author**

Oliver Rawlings – Service Manager, Licensing & Enforcement

[Oliver.Rawlings@eastherts.gov.uk](mailto:Oliver.Rawlings@eastherts.gov.uk)