

## **East Herts Council – Key Decision by an Executive Member**

**Date:** 16 December 2025

**Report by:** Executive Member for Planning and Growth

**Report title:** Market Fees

**Ward(s) affected:** All

### **Summary**

This report outlines proposed fees for new independently run markets, both commercial and community, to be held within East Herts under the new Markets Policy which takes effect on 01 January 2026.

### **RECOMMENDATIONS FOR EXECUTIVE MEMBER FOR PLANNING AND GROWTH that:**

Approval is provided to set the following market fees are approved:

- Market Operator Consent (both Commercial and Community-based) – annual fee of £100
- Commercial Market Stall – fee of £9.00 per stall, per individual market held
- Community-based Market Stall – fee of £7.00 per stall, per individual market held.

## **1.0 Background**

1.1 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 regard to markets in the district. It is an operator of markets, a licensing body and, overall, a promoter of the establishment of new markets.

1.2 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 Market Policy, approved by Executive

on 7 October 2025, comes into effect on 1 January 2026 and builds on this change and provides a policy framework for promoting and growing the council's existing markets while also enabling a greater diversity of markets throughout East Herts.

- 1.3 The fees have been calculated based on officer time currently taken to grant single applications to trade in the council run markets that operate in Hertford and Ware. This includes dealing with initial enquiries through the process to issuing a consent to trade.
- 1.4 Under the current regime we are unable to issue a consent for an entire market of any size to operate. Individual applications for street trading consents need to be made and a fee paid for each stall/trader. In addition, the current fee structure does not recognise the difference between commercial or community interest trading and the costs to both have proved prohibitive. The street trading fees will be used for comparison to the proposed fees for new markets.

## **2. Proposals**

- 2.1 Consideration has been given to how best to achieve the goal of a more diverse market offer and the economic benefits that this can bring.
- 2.2 The process that has been designed will allow both commercial and community-based markets<sup>1</sup> to be held with the minimum of bureaucracy and with fees set at a level that covers the cost to the authority of enabling this, whilst remaining viable for organisers.
- 2.3 Organisers wishing to operate one or more markets within East Herts will be required to make an application for a "Market Operator Consent". Once granted this will allow the holder to apply for markets within East Herts for a period of one year from the granting of the consent.
- 2.4 The cost of an individual market will be based on the number of traders/stalls that will be present at that market. The minimum

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<sup>1</sup> A market must be a minimum of 5 stalls/traders.

number of stalls that will be considered to constitute a market is five. The cost per stall will be differentiated between commercial and community-based markets.

2.5 Below is a table showing the proposed fees:

<b>Description</b>	<b>Duration</b>	<b>Proposed fee</b>
Market Operator Consent <sup>2</sup>	Annual	£100.00
Commercial Market Stall	Per stall, per individual market held	£9.00
Community Based Market Stall	Per stall, per individual market held	£7.00

2.6 Examples of how the proposed fee structure would work in practice are shown at **Appendix A**. It is believed that the proposed Market Operator Consent will incentivise more individual market days to be held as the £100 fee is the same regardless of the number of days over the year on which a market is held. This means that, in effect, the more frequently an operator holds markets, the greater the number of trading days over which the fee can be defrayed.

### **3.0 Reason**

3.1 Extensive work has been undertaken to ensure that the fees and charges adopted by the council are in line with the council's fees and charges policy. Operating markets under the Food Act 1984 affords the authority more scope to charge fees that balance cost recovery with incentivising new markets to be run in the district.

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<sup>2</sup> Both commercial and Community-based market operators.

## **4.0 Options**

- 4.1 Approve the fees as detailed in this report to commence from the 01 January 2026. RECOMMENDED for the reason listed in this report.
- 4.2 Agree alternative fees to commence from the 01 January 2026, however this is NOT RECOMMENDED as officers contend that the proposed fee levels strike an effective balance between cost recovery and incentivisation of new market entrants, with the aim being to extend the market offer in the district.

## **5.0 Risks**

- 5.1 There is a potential risk that if fees are set too high then there may be little or no take up from new and occasional markets. This has been mitigated by comparing the proposed fees with those currently charged for the commercial markets run directly by the council. The proposed fees (a) allow a market operator to charge a stall fee that could be commensurate with the council's fees for its own markets thus not undercutting the council's markets to the detriment of the council while (b) allowing an operator to charge a stall fee that is attractive to the potential stallholders while (c) ensuring an income to the council that is sufficient to cover its costs.
- 5.2 If fees were at too low a level, this could encourage those paying to be part of the council's directly run market to give up their licences to the council's detriment. This has been mitigated by seeking to harmonise what a stallholder might pay for a stall at the council's markets and an independently run market.
- 5.3 Reputational risk, having approved a Policy to allow new markets it would be damaging to not be able to deliver that for lack of an appropriate fee. This has been mitigated by a careful consideration of fee setting in relation to existing practice.

## **6.0 Implications/Consultations**

6.1 If the fees are approved, they will be publicised on the council's website and shared with any party that may wish to operate a market within East Herts.

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

When considering applications for new markets a primary concern will be maintaining accessibility. By ensuring that only authorised traders operate on the public highway, East Herts Council can help ensure accessibility for all residents.

The council has no reason to believe that any person with a protected characteristic is either over- or under-represented among those seeking to operate markets in East Herts and thus there are no known grounds for believing that anyone with a protected characteristic will be disproportionately impacted by the proposed fees.

### **Environmental Sustainability**

No

### **Financial**

The fees are set at the level required to at least recover costs in line with the council's Fees and Charges Policy.

### **Health and Safety**

No

### **Human Resources**

No

## **Human Rights**

No

## **Legal**

Under the Food Act 1984, section 53 (1), Charges, a market authority may demand in respect of a market, such charges as they may from time to time determine. The council is utilising this power as a market authority as defined under this act.

## **Specific Wards**

All

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

Not Applicable

## **Contact Member**

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