



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 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. Therefore, the Council has resolved to utilise the provisions of the Act where necessary to complement 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 regulations are set out from Page 4.**

The Council will periodically review its arrangements to ensure it best facilitates a vibrant market. Requests from other externally administered markets seeking to operate in the Town will be considered 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.

Where a market is established without consent and in contravention to our market rights, action may be taken to protect the Council's rights.

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

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

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”.

Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 defines a temporary market as a concourse of buyers and sellers “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 and Community Markets.

In certain cases, planning permission needs to be obtained to operate a market however, such planning permission does not give the market operator rights 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, increase visit time and spend by existing shoppers. Promote 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 and town. To respond, as appropriate, to Central Bedfordshire Council on street trader licence applications, pedlars' applications, etc.
- Encourage casual traders to become regular traders to make the market more consistent and therefore more attractive to consumers.
- Promote the opportunity for market traders, as sole traders to operate their businesses in the town of Biggleswade.
- Liaise with external bodies such as the National Association of British Market Authorities (NABMA), British Retail Consortium and National Market Traders Federation (NMTF).
- Compare all aspects of markets with other local authority markets.
- New traders will be encouraged to trade on the market providing that, in the view of the Market Superintendent their offer will enhance the market and will not lead to excessive duplication of goods or services offered.
- Support local charities and community organisations to promote themselves through provision of trading positions at preferential rates.
- Work with the operators to provide a clean and safe area to trade.
- Provide guidance and signposting about trading standards to operators.

Farmers' and 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 area, 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' and craft Markets.
- Work with the operators to provide a clean and safe area to trade.
- Provide guidance and signposting about trading standards to operators.
- Identify opportunities to promote the farmers' and craft Markets through publications and websites.
- Identify ways to link the farmers' and craft markets with local 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, where this does not cause a detrimental impact to the Charter Market.
- Work with the operators to provide a clean and safe area to trade.
- Provide guidance and signposting about trading standards to operators.

Charity and Community Markets

- Promote seasonal markets (e.g. Summer/Christmas).
- Review the number, locations, dates, and times markets can operate in the Town to prevent duplication.
- Promote the organisation of Charity and Community markets, to support local charities and community organisations.
- Work with the operators to provide a clean and safe area to trade.
- Provide guidance and signposting about trading standards to operators.

Enforcement

- The Council may take legal action against any market which threatens the viability of its market.
- The Council will deal with complaints about markets using its existing policies.

Biggleswade Town Council

Biggleswade Charter Market

Market Hours

The hours of trade will be between **8.00am** and **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 trading positions will be occupied by **8.00am**.

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

Town Council has the right to suspend or curtail the market in exceptional circumstances such as severe weather. The Town Centre Operation Manager will aim to provide at least 24 hours' notice of any suspension.

Trading Conditions

Traders must comply with all current National and Local Legislation.

The market year shall run from 1st January until 31st December each year.

Regular traders are those who commit to trade for at least 46 weeks per year and who have traded for a minimum of 12 weeks.

Traders who have an allocated "**Regular**" trading positions must claim that position no later than 7.30am.

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

Unavoidable Delay

In the event of unavoidable delay through illness, vehicle breakdown or other reasonable cause, the Market Superintendent may reserve a specific trading position, at their discretion. The trader must contact the Market Superintendent, or, in their absence, the Town Centre Operations Manager, before 7.30am.

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 day's fees for that trading position.

Absence

Regular traders who trade for a minimum of 46 weeks in a calendar year will be able to trade free of charge for the first 4 weeks of January in the following year. Regular Traders who trade every week of the previous year will be able to trade free of charge for the first 6 weeks of the following year. Planned absence must be notified to the Market Superintendent not later than 1 week prior, to allow the trading position to be offered to a casual trader.

If a trader is absent from the market for three consecutive weeks (or more than 8 weeks in the calendar year), other than for pre-notified absence, sickness, bereavement or other exceptional circumstances (agreed by the Market Superintendent), they will lose their regular trading position.

A week will comprise of a trader's usual regular trading day.

Where a regular trader is absent through illness and a Medical Certificate is presented, the Council may, at its sole discretion, consider the trader as having attended for the purposes of eligibility for free trading during January the following year.

Where a regular trader suffers a close family bereavement, or other exceptional circumstance, the Council may, at its sole discretion, consider the trader as having attended for the purposes of eligibility for free trading during January the following year.

Market Charges

Charges will be payable on demand on the Market day.

The onus to pay the charges rests with the traders. Where a regular trader attends but fails to pay on demand, the trader will be in arrears and recovery action will be taken against the trader, together with all costs incurred in the recovery.

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

Traders will use only the defined trading position they have been allocated.

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

The Council will review charges annually, or at any other time, with one month's notice of any increase.

Allocation of Stalls

A casual trader attending the market must in the first instance report to the Market Superintendent no later than 7.30am.

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 sale of live animals, fish, birds, and other fowl is not permitted.

Acupuncture, ear piercing, tattooing or electrolysis is not permitted.

A trader will have access to inspect their own entry in the register of traders upon request.

Registration does not guarantee that a trading position will be available.

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

All traders trading on the market shall indemnify Biggleswade Town Council against all costs, claims and convictions arising because of the operation of the market.

Trading positions will be allocated by the Market Superintendent, any trader found to be using a trading position without prior authorisation will be asked to leave the market.

Allocations for casual traders will be made by the Market Superintendent and take into consideration the type of goods the trader may sell without detriment to adjacent traders.

Commercial Businesses within the Town's rateable area will be allocated a stall for promotion or trade once annually and will be required to book through the Town Council offices, a charge will be applied in accordance with the scale of fees. The Council reserves the right to restrict the number of trading positions available for this purpose on a given date.

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.

Charities, based outside of Biggleswade or surrounding villages, 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, political groups and candidates will be allocated a stall once annually and once during the campaign period for an election taking place within the area of Biggleswade and will be required to book through the Town Council Offices giving at least 1 weeks' notice.

Where a trader refuses to accept the trading position 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 and equipment which must meet the standards of safety and appearance required by the Council.

At Town Council's discretion, stalls and equipment may be provided for trading positions allocated to charities, community, and political groups.

Any entertainment must be approved in writing by the Town Centre Operations Manager or Town Council.

Goods to be Sold and 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.

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

No trader shall store display or sell any item or behave in a way that is likely to outrage public decency.

Conditions Related to use of trading position

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 written consent of the Market Superintendent and Town Centre Operations Manager.

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

Frontage buildouts must not exceed the market boundaries and are only allowed if agreed by the Market Superintendent and Town Centre Operations Manager and a written agreement will be produced.

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

The council no longer provides a refuse collection service within its markets.

It is the sole responsibility of any trader, whether casual or regular to take away any refuse that may be created as a result of their days trade. Particular attention should be given to plastic bags, wrapping and other litter which would easily blow around the Town Centre. Traders must not dispose of their trade waste in public litter bins.

All traders are responsible for maintaining, free from refuse and in clean condition, the area immediately adjacent and underneath the trading position. 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 during the hours of market operation and setup.

Vehicles unloading and loading must not obstruct the market premises and with the direction of the Market Superintendent.

All traders' vehicles, other than those that are exempt, 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. Exempt vehicles are those approved by the Market Superintendent and are required to display a valid permit.

Employment of 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 in an orderly manner whilst attending the market. They must not use their trading position to cause annoyance, inconvenience, or concern to any other users of the market, the 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.

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 required certification relating to food safety/hygiene rating will be clearly displayed within their stall. Copies of all required documents will be held with the Traders registration form and will be held securely.

All food must be transported, displayed, and handled in accordance with all food safety and hygiene legislation.

Dispute procedure

All Traders are advised to comply with the lawful requests of the Market Superintendent. In the event of any grievance, this should first be addressed informally with the Market Superintendent.

Any failure to resolve the dispute informally should be taken up with the Town Centre Operations Manager in writing, where the aggrieved person and his/her representative will be given the opportunity to discuss the issue.

Should the dispute still not be resolved, this should then be taken up in writing with the Town Clerk where the aggrieved person and his/her representative will be given the opportunity to discuss the issue.

In the event that any grievance relating to these regulations cannot be resolved by either the Market Superintendent, Town Centre Operations Manager 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.

Councillors will not engage in the dispute process before the preceding stages have been exhausted.

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

Trader

Signed

Print

Type of goods

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

Market Superintendent

Signed

Print

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

Town Centre Operations Manager

Signed

Print

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