

NORTH LINCOLNSHIRE COUNCIL

**REGENERATION CABINET MEMBER
and
ASSET MANAGEMENT, CULTURE & HOUSING
CABINET MEMBER**

POLICY FOR MARKETS IN NORTH LINCOLNSHIRE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 The Council introduced a Markets Policy on 1 April 2012. It was to run as a pilot scheme, reviewed after six months.
- 1.2 We have now reviewed the policy. We have looked at a number of points raised during the consultation.
- 1.3 This report recommends that the policy is continued, but with a number of small changes to make it more user friendly.

2. BACKGROUND INFORMATION

- 2.1 We know that markets play an important role in the success of our towns and communities. The Portas Review that was published in December 2011 suggests that “markets can serve as fundamental traffic drivers back to our high streets”. Last year we introduced a Markets Policy to allow people to set up new markets across the area.
- 2.2 From 1 April 2012 the organiser of an event with five or more stalls or pitches where items are sold has to apply for a Market Consent. This includes stalls that are held as part of events and also indoor and outdoor car boot sales.
- 2.3 In March 2013 we reviewed the Policy. We asked everyone who had applied for a consent how easy it was and if they thought it had helped them. Event organisers and town and parish councils were also asked for their views. We wrote to all voluntary groups through Voluntary Action North Lincolnshire (VANL) to ask for their comments.

Outcome of the consultation

- 2.4 We looked at similar policies in place at other councils to make sure that the process was as simple as possible for applicants.

- 2.5 We compared our policy to similar ones in other councils. By comparison, ours is simple, straightforward and easy to use. We are one of only a few councils who make no charge for charity markets.
- 2.6 We received 36 comments during the consultation period, these are summarised in Appendix 1. This shows what we are doing in response to the questions raised.
- 2.7 We believe that the Markets Policy should be extended as it helps to maintain and develop the reputation of North Lincolnshire as a quality market destination. It encourages special events and fairs to develop in our towns and villages, boosting local economies and bringing in more visitors.
- 2.8 We would like to make some changes. These are:
- To exempt a small number of charitable events
 - To improve access to information on the website
 - To produce a set of simple guidance notes for applicants and a risk assessment template for small markets
 - To establish a protected area so that new, regular markets within six and two thirds miles of an established market are not granted a consent on the same day and time
 - To remove restrictions on the number of consents granted

Charitable exemptions

- 2.9 There will be a new exemption: Where all the sale goods are donated, the organiser does not charge a pitch or stall fee and there is no personal gain by the people selling the goods (the vendors), the market will be exempt. The website will still advise organisers to do a risk assessment for their event and send it to the Events Safety Advisory Group (ESAG) if they think that more than 200 people will attend.

Access to information

- 2.10 The information on the website will be clearer and easier to find. We will also send forms out by post,

Guidance notes and risk assessment templates

- 2.11 We have produced easy to understand guidance notes (Appendix 2) and, for small markets, a simple risk assessment template (Appendix 3). This will gather the basic information so ESAG can get back to the applicant if they need to know more.

Renewals

- 2.12 If the same market is being held for a second time, a renewal form can be used to save time.

Protected area

- 2.13 The current policy says that for general markets “The distance from an established market will be taken into account. Ideally this should be six and two thirds miles from an established market.”
- 2.14 There are concerns, both from the council run markets and the operators of established car boot sales that new, regular markets on the same day and time are taking away both stallholders and shoppers.
- 2.15 We are extending the criteria to include all markets held on a regular basis and creating a ‘protected area’, in line with other local authorities.
- 2.16 We will not grant a consent for a new, regular market where it is within six and two thirds miles of an existing market that is held on the same day at the same time. This does not apply to one-off, irregular markets arranged by charitable and voluntary groups.

Restrictions on the number of markets

- 2.17 We are removing the restrictions on the number of markets of each type that can be granted a consent. We will consider each application on its own merits.

Insurance requirements

- 2.18 There may be some events for which we can accept a lower level of insurance than £10 million. We have taken advice from the council’s insurers and will consider each case on its own merits with a view to reducing the level as low as possible.

3. OPTIONS FOR CONSIDERATION

- 3.1 There are two options:

Option 1: To make the changes above and adopt the revised policy
Option 2: To end the Markets Policy Pilot

4. ANALYSIS OF OPTIONS

Option 1: To make the changes shown above and adopt the new policy

- 4.1 The revised policy will be easier to use for all applicants. If extended, it will also encourage special events and fairs to develop in our towns and villages, boosting local economies and bringing in more visitors.

- 4.2 We can make sure that all markets meet health and safety requirements. Operators will have to describe their markets accurately and have appropriate levels of insurance in place to protect visitors etc should things go wrong.
- 4.3 We believe that this Markets Policy would help to maintain and develop the reputation of North Lincolnshire as a quality market destination.

Option 2: to end the Markets Policy Pilot

- 4.4 Without a policy we cannot give permission to establish new or occasional markets in our towns and villages. This will affect events like antique fairs, food fairs or continental markets in our town centres.
- 4.5 Groups holding events that are not on private land will again need to apply under the council's Licensing Policy for street trading consents. This can mean a lot of paperwork, which in the past has made them think twice about putting on an event. We want to make it easier for local event organisers and encourage markets in our towns and villages, helping and supporting them along the way.
- 4.6 If we end the policy we would have no control over the quality, location or safety of markets in North Lincolnshire. There would be no requirement for a market operator to undertake a risk assessment, hold the right insurance or arrange safe and suitable access to their market. We need to have legislation in place to make sure that all markets are run in a safe and responsible manner.
- 4.7 Large markets away from town centres, will take away trade from local shops and businesses. It is also difficult to manage traffic congestion around some markets. We need to make sure that they do not disturb or annoy people living and working nearby.
- 4.8 In light of the above, Option 1 is therefore suggested as the preferred option.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

The cost of administering the Markets Policy and enforcing non-compliance is offset by the income from fees.

5.2 Staffing

If extended we will add the administration of the Markets Policy to the job description of the relevant staff as part of the review of the Planning and Regeneration division of the Places directorate.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 No negative outcomes were identified for Option 1. There were several negative outcomes for Option 2.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 The outcomes of the consultation are summarised in Appendix 1. No conflicts of interest have been declared.

8. RECOMMENDATIONS

8.1 That the revised policy is adopted.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report:

- North Lincolnshire Markets Policy
- The following local authority policies:
 - Leeds City Council Commercial Private Markets / Car Boot Sales
 - Leeds City Council Temporary charitable / fund raising Markets, Car Boots and Table Top Sales
 - East Lindsey District Council Car Boot Sales and Table Top Sales
 - Kirklees Licensing of Car Boot Sales
 - Barnsley Metropolitan Car Boot Sale and Private Markets Review
 - Derbyshire Dales District Council Temporary Market or Car Boot Sale
 - City of Bradford Reducing Risks at Small Events
- The Portas Review – An independent review into the future of our high streets
- Minute Item No. 41 of the Asset and Estate Management, Sport Leisure and Culture Cabinet Member of 23 February 2012 – “Policy for Markets in North Lincolnshire”

Appendix 1

Markets Policy Consultation January 2013

Name	Organisation	Summary of comment made	What we have done
MM	Barton Arts	Thought that the form was fairly easy to complete and that the application process was also fairly easy. There were no other comments.	
M W	Wroot Village Hall	Fit the application form to suit the various types of events/organisations - <i>Telephone message</i> -feels that if the nature of the event has not changed from one year to the next then a simpler reapplication process should be developed.	New, simple renewals form
MW	Wroot Village Hall	Suggested that applications should be given a reference number when they are received	Reference number system now in operation
F J S	Crowle Agricultural Show	If there are no material changes from one year to the next there should be a simple renewal process in place so the full application form does not need to be repeated year after year.	New, simple renewals form
RS	All Saints' Church, Winterton	For a church the whole system is too complex for occasional events. Can there be one general application for a year with dates to be notified to you as and when they are planned?	New, simple renewals form
CP	Epworth Old Rectory	I understand we may not have to apply for a Temporary Event Notice in the future. Please could you let me know when this takes effect?	Passed to Licensing
BH	West Butterwick Village Hall	Scrap it for local village events, churches and schools. These organisations are usually experienced people. We didn't see publicity for our event in	Some small charitable events will be exempt from making an application

		the council's event listing. It's a very bureaucratic system - maybe needed for large events in town but not for small local village fairs, fates etc.	
JE	Messingham Show	Thought that the application form was easy to complete, that the Tourism staff were very helpful and that the application process was simple. There were no other comments made.	
MJB	Crowle & Ealand Market	Thought that the application form was easy to complete, that the Tourism staff were very helpful and that the application process was fairly easy. There were no other comments made.	
CH	Rescue Day	Market consents are issued for specific dates. Year on year committees such as Rescue Day do not decide dates until late in year - never same date two years running - so even though 2013 is only 11 months later than 2012 event we have to submit forms again due to different dates! A SAE would be useful as well!!	New, simple renewals form
ARH	Jerry Green	Thought that the application form was easy to complete, that the Tourism staff were very helpful and that the application process was fairly easy. There were no other comments made.	
SM	Ashby Funeral Care	Thought that the application process was easy, that the Tourism staff were helpful and that the application process was simple. There were no other comments made.	
AC	Glanford Park Car Boot Sales	£10 million insurance is hard to get and expensive. Other councils accept £5 million.	Revised insurance levels for certain events

AC	Glanford Park Car Boot Sales	Limit on the numbers of each type of market is too tight	Numbers restricting the types of markets allowed annually have been removed
AC	Glanford Park Car Boot Sales	Markets should operate to their agreed days and the six and two thirds mile rule should apply to all markets in North Lincolnshire	A 'Protected Area' has been created
AC	Glanford Park Car Boot Sales	Charges for holding commercial markets too high	Charges have been compared to other local Authorities
NM	Winterton Disabled Club	Produce a template for risk assessments (especially for the voluntary sector)	A simpler risk assessment form has been created for small events
DH	The Antiquarians	Already simplified - my difficulty was not being aware of it until 3/4 weeks of the event I was organising - perhaps more publicity.	The Policy will be given a more prominent position on the Council's website
MR	Broughton Agricultural Show	Simplify the annual renewal process.	New, simple renewals form
PH	Winterton District Lions Club	Thought that the application form was easy and that the application process was simple. There were no other comments made.	
MH	Lincoln Gardens Community Centre	Thought that the application form was easy, the Tourism staff were helpful and that the application process was not very easy. No other comments were made.	
BM	Waters' Edge visitor Centre	A better link on the website	The Policy will be given a more prominent position on the Council's website
CC	Barton Town Council	Thought that the application	

		form was fairly easy, the Tourism staff were very helpful and the application process was fairly easy. There were no other comments made.	
EN	North Lincolnshire Museum	Clarity over if we have to pay or not, being a council venue	Better internal communication
VH	Old Brumby United Church	Statement 14.3 could perhaps be clarified. After spending quite some time looking at how I could provide a scale plan of the market site I rang the Tourism Office and was informed a 'Google' map of the site would be sufficient. If only I'd known!	This point has been made clearer
MA	Messingham Methodist Church	The Methodist Church think this is an utter waste of time and people's wages. For a Christmas Fayre we should not have to go to this trouble - who is going to follow it up - we are not car booters.	Some small charitable events will be exempt from making an application.
LE/LF	Artisans in Action	Concerns regarding the limited numbers of applications approved in a year. Felt that costs could be incurred and the application would be unsuccessful.	Numbers restricting the types of markets allowed annually have been removed
AH	Crosby Country Market	We are a bit unusual being a Country Market and therefore part of a larger national organisation. For the event I sent them the form and they completed it.	Noted
AH	Crosby Country Market	What promotion is there for events where a Market Consent has been granted	All events are added to the Council's website. Leaflets can be displayed at the Tourist Information Centre
PAN	Goxhill Memorial Hall	Thought that the application form was fairly easy, the Tourism staff were very helpful and the application	

		process was simple. There were no other comments made.	
DP	Epworth & District Agricultural Society	Thought that the application form was easy and that the application process was simple. There were no other comments made.	
WB	North Lincolnshire Homes	Thought that the application form was easy, that the tourism staff were very helpful and that the application process was simple. There were no other comments made.	
PW	Worlaby Recreation Committee	Thought that the application form was easy, that the tourism staff were very helpful and that the application process was simple. There were no other comments made.	
PT	The Rotary Club of Barton Meridian	Thought that the application form was easy, that the tourism staff were very helpful and that the application process was simple. There were no other comments made.	
DG	Armed Forces Committee	Thought that the application form was fairly easy, that the tourism staff were very helpful and that the application process was simple. There were no other comments made.	
SH	Normanby Hall Country Park	I think the form is off putting for small and voluntary groups, although I'm not sure many people know they should be applying for a licence for a church garden fete etc. The term 'Market Consent' doesn't seem like it would apply to a school fair, etc. More awareness raising is needed.	The Policy will be given a more prominent position on the Council's website

HF	St Maurice Church Horkstow	Thought that the application form was fairly easy. There were no other comments made.	
SW	Winterton Show	Thought that the application form was fairly easy. There were no other comments made.	
EB	Hibaldstow Village Hall Committee	Thought that the application form was fairly easy. There were no other comments made.	
CB	Humberside Fire	Change the reference to Chief Officer to Chief Fire Officer. Reference to maintaining access for emergency services be kept in at this and subsequent reviews.	Actioned

Appendix 2

Guidance notes for applying for Market Consent for an occasional market in North Lincolnshire (includes car boot sales and table top sales)

Here in North Lincolnshire we know that markets are important to the local economy. We want to make it easy for people to hold markets and events, but we need them to be safe and enjoyable places for people to shop and visit.

In April 2012 we introduced a Markets Policy, this helps regulate the growing number of markets being held across the area.

What is a market?

If your event has 5 or more stalls or pitches where things are being sold it is by law defined as a market. This includes craft and cake sales, tabletop and car boot sales.

When do I need a Market consent?

If you are the organiser of an event with five or more stalls you need to apply for a Market Consent. This applies even if your event is on private land or in a school or village hall. This is simply a permission from the council to hold a market.

The only markets that are exempt are those where all the sale goods are donated, the organiser does not charge a pitch or stall fee and there is no personal gain by the people selling the goods (the vendors).

If your market is on public land (for example in a town centre) you can apply for a Market Consent instead of individual or collective street trading consents.

It is easy to apply and, if your event is for charity or not for profit, in most cases there is no charge.

Why do I need to apply?

In applying for a Market Consent it makes event organisers think about things like parking for visitors, toilets for them to use and having insurance in place for if things go wrong. When we get an application for an event we send it to the Event Safety Advisory Group (made up of the blue light emergency services and safety officers) who can double check and suggest any additional things that need to be done.

There are also an increasing number of regular car boot sales starting up. We can make sure that a new one does not start up at the same time and on the same day as a well-established one, taking away both shoppers and car booters.

How much does it cost?

There is no charge if the market is held principally to raise funds for charity or is part of a not for profit event and if both the stall rentals and any admission charges are donated to charity and no individual is making a profit or income from the organisation or management of the event.

Otherwise you pay an amount calculated on the number of stalls at the market and the number of times it is held each year. Details of the charges can be found on the website.

How do I apply?

You should apply at least one month before the market, but you can make your application up to nine months in advance. If you are reading this and there is less than a month to go to your event, please give us a call on 01724 297774 and we will see what we can do to help.

There is a simple two page form that you can download from the website www.northlincs.gov.uk/markets
Everyone should complete Sections 1, 2 and 4.

If the market is held principally to raise funds for charity or is part of a not for profit event and if both the stall rentals and any admission charges are donated to charity and no individual is making a profit or income from the organisation or management of the event, complete Section 3.

What else do I need?

You'll need a **plan of the event** showing the entrance, exit, car parks and nearest road. This can simply be a sketch plan; don't forget you can find maps on line which may help you draw it.

- Carry out a simple **risk assessment**. This looks at what could go wrong at the event and what you have done to try and prevent it happening. For example people could trip over extension leads, so you would make sure there are not laid across pathways.
- Send us a readable copy of your current **certificate of public liability insurance**. The level of cover needed is usually £10 million, but may be lower for certain types of small events
- If you have not completed section 3, you'll need to enclose a **cheque made payable to North Lincolnshire Council** for the appropriate fee. Full details of the charges can be found on the website.

What happens once I've applied?

Once we receive your application it is assessed to see if it meets the criteria set out in the markets policy.

If it does:

- We send it out to relevant council departments, partner organisations and Ward, Town or Parish Councillors to ask if they have any concerns
- We send you an acknowledgement email or letter, giving you the date you will hear about your application

When the consultation has been carried out, we will then send you a Market Consent. In some cases this will have conditions attached to it that you need to follow. You will also be sent a copy of the code of practice.

If it doesn't:

- We will contact you to discuss your application and tell you what changes need to be made.

How do I renew my Market Consent?

There is now a simple renewal form that you can complete. This can be downloaded from www.northlincs.gov.uk/markets. Please remember that we do not send out reminders and that you need to apply at least one month before your current consent expired.

Don't forget...

We are here to help if you need advice on completing any part of the form or prefer not to use the Internet. Call us on 01724 297774.

CRE / July 2013

Appendix 3 Risk Assessment Form

Type of event / activity: _____

Where is it? _____

How many people do you think will attend? _____

Date(s)/Times(s): _____

Briefly describe the event: _____

Can you think of any 'hazards' - things that could be a danger? (e.g. electric cables across walkways)

Who would be at risk if this happened? (e.g. members of the public, stallholders)

What are you doing to control the risk? (e.g. 'not having loose cables on the ground')

If there is not enough room to answer any of the questions, continue on a separate sheet.

Are any of the risks you identified still likely to cause a problem? How could you reduce these further? (e.g. stewards check during the event for trip hazards)

Does your event include things that will attract children? YES / NO

Will there be any cooking? Does this have a naked flame or use gas cylinders YES / NO

List the persons that are aware of the information contained in this assessment: *

Name	Signature	Date

Risk assessment carried out by: _____

Position: _____

Signature: _____ Date: _____