

NORTH LINCOLNSHIRE COUNCIL

**ASSET AND ESTATE MANAGEMENT,
SPORT, LEISURE AND CULTURE
CABINET MEMBER**

A POLICY FOR MARKETS IN NORTH LINCOLNSHIRE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 We do not have a policy that gives permission to set up and operate markets across North Lincolnshire.
- 1.2 This report looks at the implications of such a policy. It outlines the advantages, the disadvantages and the staffing implications.

2. BACKGROUND INFORMATION

- 2.1 The definition of a market is five or more stalls or pitches where items are sold. This includes stalls that are held as part of events and fairs. It also includes car boot sales, antique and craft markets, general markets and farmers' markets.
- 2.2 We have seen an increase in recent years of all types of market. These range from car boot sales to raise money for charity to general and specialty markets run as businesses.
- 2.3 We recognise that they can play a valuable role in local economies, but we do not have a policy that allows us to set up new markets or to give someone permission to do this.
- 2.4 Because we have no policy in place we can not regulate the quality or number of markets across North Lincolnshire.
- 2.5 The best place for a market is in a town centre as people also visit the local shops. We recognise that if markets continue to grow outside of our town centres they could take trade away from local independent retailers and lead to shop closures and job losses.
- 2.6 We want markets across North Lincolnshire to be safe places to shop and trade.
- 2.7 We can put in place a policy to allow the Council to establish a market under section 50(1) (a) of the Food Act 1984 and grant a 'Market Consent' to a person, body or organisation to run a market.

- 2.8 An applicant wanting a Market Consent would need to have adequate insurance in place and to have carried out a risk assessment to make sure the event is safe. We would then consult with colleagues across the council and appropriate organisations to make sure the event would not cause problems. We would make the paperwork as simple as possible and encourage applications on line.
- 2.9 We would make a charge for this Consent. However, it would be waived if a market is held primarily to raise funds for charity and the organiser is not making a profit from it.
- 2.10 We feel that this policy would help protect consumers and provide a higher standard of quality. It could also make it simpler for organisers of local events. It would act as an alternative to individual and collective street trading consents.
- 2.11 Before we brought such a policy into force we would contact all known event organisers and offer them advice on how it will affect them.
- 2.12 We would need to put additional staffing resources into the implementation of the policy.
- 2.13 A draft policy was developed earlier this year. This would need reviewing to make sure it complements the council's new Licensing Policy.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** Do nothing.
- 3.2 **Option 2:** To introduce a Markets Policy

4. ANALYSIS OF OPTIONS

Option 1 – do nothing

- 4.1 If we do nothing, we cannot give permission for new or occasional markets. Where markets are not held on private land the applicant currently needs to apply under the council's Licensing Policy as street trading consents. Where food is sold to eat straight away, an individual application is required for each stall. This can mean a lot of paperwork.
- 4.2 This can make organisers 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.
- 4.3 Currently there is no control over the quality, location or safety of markets in North Lincolnshire. If we do nothing there is 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 arrangements in place to make sure that all markets are run in a safe and responsible manner.

- 4.4. If large markets develop away from town centres, they will take away trade from local shops and businesses.
- 4.5 It is also difficult to manage traffic congestion around some markets. We need to make sure that they do not unduly disturb or annoy people living and working nearby.

Option 2 - To introduce a Markets Policy

- 4.6 If we introduce a Markets Policy this will mean that all markets including charity fairs and car boot sales will need to make an application.
- 4.7 Whilst we would waive the fee if a market is held primarily to raise funds for charity, and the organiser is not making a profit from it, it would be seen as bureaucratic.
- 4.8 The sheer number of such markets would mean that we would need to allocate staff resources to implement and enforce the policy. We could do this as part of the forthcoming review of the service.
- 4.9 A Markets Policy will also encourage special events and fairs to develop in our towns and villages, boosting local economies and bringing in more visitors.
- 4.10 By introducing a Markets Policy we can make sure that all markets meet health and safety requirements. Operators will have to describe their markets accurately and have insurance in place if things go wrong, this will protect customers.
- 4.11 We believe that this Policy would help to maintain and develop the reputation of North Lincolnshire as a quality market destination.
- 4.12 Option 2 is therefore our preferred option.

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

- 5.1 The implementation and enforcement of the policy would need adding to the job description of staff within the team. This could be carried out as part of the planned review of the Tourism and Town Centres Team.
- 5.2 The policy would generate some income which would offset any increase in staffing costs.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 6.1 The Policy aims to reduce the environmental impact of markets by encouraging accessibility by public transport.
- 6.2 The Policy will make sure that disturbance from noise and traffic is kept to a minimum.

7. OUTCOMES OF CONSULTATION

- 7.1 Earlier this year we consulted with Town and Parish Councils and a number of event organisers. Open meetings were held to get people's views. There was general support for such a policy, provided paperwork was kept to a minimum.

8. RECOMMENDATIONS

- 8.1 It is recommended that the Cabinet Member agrees that a Markets Policy is the best way forward. This will be brought for approval in January 2012.

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Background Papers used in the preparation of this report: None