December 2025

MARKETS POLICY

1. Introduction

Stratford-on-Avon District Council ('the Council') recognises the importance of markets in the local economy and the character of the area. They remain an important Council service and contribute in a number of ways to the local communities they serve.

The Council's markets are described in more detail in Section 2 of this Markets Policy ('the Policy') and they represent an important investment by the Council and Stratford-upon-Avon Town Council in delivering economic growth and regeneration by creating jobs, promoting local produce, attracting tourists and town centre vitality.

The Councils are keen to maintain the balance of markets within the town of Stratford-upon-Avon and ensure that there is consistency in the way that markets are organised. In this context, the Council has decided to implement a policy which sets out the basis upon which markets are held and the process by which applications for new markets will be considered.

The Council recognises that there are many different types of market activities and the policy adopted by the Council is intended to cater for each type of market. In particular, the Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Section 5 of this Policy deals with the different types of market and the Council's approach in considering applications in respect of such markets.

During the process of developing this Policy, the Council has taken the opportunity of consulting with organisations such as the National Association of British Market Authorities (NABMA), the National Market Traders Federation (NMTF), Stratford Upon Avon Business Improvement District (BID), Warwickshire County Council and relevant internal stakeholders.

The Policy will be reviewed on an annual basis.

2. Markets

Following the suppression of the Guild of the Holy Cross, King Edward VI granted a charter of incorporation to the town of Stratford-upon-Avon on 28 June 1553. The charter conferred on the inhabitants a borough constitution comprising the right to hold, and collect tolls from, a weekly Thursday market and two annual fairs.

In 1819, the Charter Market was changed to a Friday under the authorisation of King George

III. The reason for the change was to avoid competition with markets in other nearby towns.

The Council, in partnership with Stratford-upon-Avon Town Council, organises markets within the town of Stratford-upon-Avon. The Councils have statutory powers to establish and operate new markets under its Royal Charter and in accordance with the provisions of Part III of the Food Act 1984.

The Councils' Market Agreement with the current Market Operator, LSD Promotions (Market Place) Limited ('the Operator'), consists of the following market days within the town of Stratford-upon-Avon:

- 104 days on Rother Street (Friday and Saturday only).
- 48 days on Waterside including the Bancroft Basin area.
- 2 three-day special markets on Waterside including the Bancroft Basin area.
- 1 Saturday Christmas Market on Bridge Street in conjunction with the Christmas Lights Switch On.
- 4 days of Christmas Markets.

3. Market Rights

The Council, by virtue of its statutory powers, enjoys market rights throughout its area and is in a position to consider applications for market events. Section 5 of this Policy sets out the basis on which applications will be dealt with by the Council.

Under their market powers, the Councils are entitled to give approval to the holding of other markets within a $6^{2/3}$ miles radius of the Councils' own markets held in Stratford-upon-Avon.

This right has been exercisable for many years and the Council has considered relevant UK and European legislation in drawing up this Policy.

All markets held within the town of Stratford-upon-Avon are licenced and operated under the Royal Charter or in accordance with the provisions of Part III of the Food Act 1984.

The statutory powers afforded to the Council under the provisions of Part III of the Food Act 1984 are as follows:

a) Implement a markets policy within its area.
b) Operate markets within the town of Stratford-upon-Avon.
c) Consider applications for other markets.
d) Determine whether such markets can be held by way of consent.

The Councils are aware of the existence of a number of other markets falling within the $6^{2/3}$ miles radius but this Policy is only intended to apply to new commercial markets which might be established in the future.

4. What is a Market Event?

The Policy is intended to cover all market events held within the town of Stratford-upon-

Avon. In order that potential market operators are fully aware of the Council's definition of a market, the following guidelines are provided:

a) The legal definition of a market is a “concourse of buyers and sellers” (this means that the public are entitled to attend market events to buy and sell).

b) A market will comprise not less than five stalls, stands, vehicles, whether moveable or not, or pitches from which articles are sold.

c) There will be an operator of the market who will be responsible for the organisation and safe delivery of the event.

d) The term “market event” includes car boot sales, antiques and craft markets, general markets, farmers' markets, continental-style markets and charity markets.

e) A market may sometimes be held as an integral part of a special event/festival and where this arises, the market element will fall within the Policy.

The Policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element.

This Policy does not cover street trading activities. Where this is the case, the Council's Licensing Team should be consulted.

5. Licensing of Markets under the Council's Markets Policy

The Council's consent to a market event, by the grant of a markets licence, must be given prior to the market event taking place. Any market that takes place without such a licence is in breach of the Policy and may be subject to enforcement action as described in Section 10 of this Policy. Markets will only be licenced once an application for a markets licence has been approved by the Council. Markets licences are issued to the operator identified in the application and are non-transferable.

The Council will consider applications in respect of the following categories of market events:

i. Commercial markets
ii. Community-based markets with a strong charitable element

The criteria set out in Section 4 of this Policy will be relevant in respect of both categories of market event.

<u>Commercial Markets</u>

A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.

The Council will consider applications in respect of commercial markets having regard to the

following requirements:

a) No new market will be authorised within a $6^{2/3}$ miles radius of an existing market unless it can be demonstrated that the new market will not undermine the existing market and not prejudice the overall market offer.

b) In respect of any consent, the Operator must have adequate insurances, comply with trading standards guidelines, all health and safety requirements and any other statutory provisions laid down by the Council.

c) A fee will be paid in respect of any consent given by the Council and the fee will be based on the type/size of the market being held, the number of traders and the frequency of the market (refer to Section 6 of this Policy).

d) The goods to be sold on the market will be approved by the Council.

e) A licensing agreement will be entered into between the Operator and the Council and such licensing agreement must be concluded before the market takes place.

f) The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

g) The Council reserves the right to refuse an application where the proposed date of the market conflicts with any other street festivals, parades, or commemorative activities within the town of Stratford-upon-Avon.

<u>Community-Based Markets with a Strong Charitable Element</u>
Community-based markets are organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event.

The Council will consider applications in respect of community-based markets having regard to the following requirements:

a) The markets must be operated on a non-profit making basis to assist a charity or community event and the Operator shall supply relevant information to the Council evidencing the same if requested. While it is acknowledged that some traders will be selling goods for their own purposes, the Council will look for the event to have a strong charitable element in the way the event is organised.

b) In respect of any consent, the Operator must have adequate insurances, comply with trading standards guidelines, all health and safety requirements and any other statutory provisions laid down by the Council.

c) A licensing agreement will be entered into between the Operator and the Council and such licensing agreement must be concluded before the market takes place.

d) The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

e) The Operator must hold adequate proof that the charity they represent is registered with the Charity Commission for England and Wales and provide written permission from the charity organisation to raise funds on their behalf.

Applications in respect of both commercial markets and community-based markets to be held within the town of Stratford-upon-Avon should be made to the following:

Head of Environmental and Neighbourhood Services
Stratford-on-Avon District Council
Elizabeth House
Church Street
Stratford-upon-Avon
CV37 6HX

Information about the Policy can also be obtained online with the relevant application forms at www.stratford.gov.uk

The Council will aim to deal with applications for a markets licence within a period of twenty-eight (28) days before a market event. The Operator is therefore urged to submit an application as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application, the Council will require sufficient information to deal with all the issues set out in the criteria listed above and covered on the application form. Failure to provide such information is likely to lead to a delay in the Council coming to a decision.

If the Council decides to refuse an application, it will set out the reasons for its decision and will advise the procedure for submitting an appeal in respect of the refusal. Any appeal must be submitted within fourteen (14) days of the Council's written decision.

6. Fees

In respect of commercial markets, a licence fee is payable once an application for a markets licence has been approved by the Council. The licence fee will be based on the type/size of the market being held, the number of traders and the frequency of the market.

All fees are payable to Stratford-on-Avon District Council.

In respect of community-based markets, a small administrative fee will be charged to cover the Council's costs of considering the application.

7. Other Approvals

It is important to emphasise that any approval given by the Council in respect of this Policy does not remove the requirement for any other relevant approvals, consents and licences to be obtained by the Operator.

In particular:

- Where the market is being held on private land, the Operator must ensure that the prior approval of the relevant landowner is obtained. The Council will require evidence of such approval.

- The Operator will be responsible for any temporary road closures and associated traffic management arrangements that may be required in order to facilitate the operation of the market (with the exception of the 4 days of Christmas Markets).

- Planning permission might also be required and the Operator should consult with the Council's Planning Team to ascertain whether any planning considerations are relevant.

Attention is also drawn to the provisions of the Licensing Act 2003 in respect of any entertainment provided at the market or where a Temporary Event Notice might be required in respect of the sale of alcohol and/or the serving of hot food/drinks.

8. Parish and Town Councils

The Council recognises the important role played by Parish and Town Councils in serving their local communities and acknowledges the contribution made by Parish and Town Councils to a wide range of community events which include, on occasions, a market element.

The Council will discuss with Parish and Town Councils the extent to which this Policy will apply to them and in the context of the outcome of such discussions will review the Policy.

9. Section 37 of the Local Government (Miscellaneous Provisions) Act 1982

The Council, at its Cabinet meeting on 2 April 2012, approved the adoption of Section 37 of Part XII of the Local Government (Miscellaneous Provisions) Act 1982 ('the Act').

Section 37 of the Act deals with temporary markets and any operator of a temporary market, together with the occupier of land on which the market is to be held, are required to give to the Council not less than one (1) months' notice of the holding of the market.

No notice is required if the proceeds of sale of the temporary market are to be applied solely or principally for charitable, social, sporting, or political purposes. The Council reserves the right, in appropriate circumstances, to require evidence in respect of such matters.

Any notice given by the Operator and the occupier of the land shall state:

i. The full name and address of the person intending to hold the market.

ii. The day or days on which it is proposed that the market will be held and its proposed opening and closing times.

iii. The site on which it is proposed that the market will be held.

iv. The full name and address of the occupier of the land if they are not the person intending to hold the market.

It is important to emphasise that the requirements of Section 37 of the Act are quite separate to the licensing of market events set out in Section 5 of this Policy. The Operator and the occupier of the land should ensure that a notice is given to the Council under the requirements of Section 37 of the Act as soon as proposals for a temporary market are under consideration. This will enable the Council to consider a proposal and indicate its likely view on a subsequent application for a markets licence.

Failure to give a notice under Section 37 of the Act is a criminal offence and liable to a summary conviction in the Magistrates' Court.

10. Enforcement

The Council will monitor the application of this Policy and any market event which is established will be subject to the Council's requirements.

No market events or activities promoting a particular religion or political party are to take place within the town of Stratford-upon-Avon.

Any market which is not approved by the Council under Section 5 of this Policy will be instructed to close immediately and may be subject to legal action. In such circumstances, the Council will seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.

Any Operator acting in contravention of any markets licence granted by the Council will run the risk of the licence being terminated by the Council with immediate effect on such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for markets licences submitted by the Operator concerned or any person or organisation associated with the Operator.

Any costs of, or associated with, enforcement action deemed necessary as a result of the Operator’s failure to comply with the Policy will be recovered from the Operator.