



Market Trading Policy in Thaxted

Introduction:

Thaxted Parish Council's Market is established by Market Rights namely:

- a) by Local Act of Parliament passed for the express purpose of establishing and regulating a market or fair, which generally incorporates the whole or some part of the Markets and Fairs Clauses Act 1847.
- b) Under powers in Public Acts, i.e. The Food & Drugs Act 1984 (as amended). Sections 50, 52 and 53 of Part III of the Food Act 1984,

Purpose:

The market is a driver for a vibrant atmosphere in the town; for residents, local businesses, visitors, and shoppers. Market Trading will provide residents and shoppers with alternative products including specialist and niche items.

Objectives:

To support the local economy, businesses, and retailers by increasing footfall to Town Street and Thaxted in general.

- To attract new visitors, residents, and shoppers to the Town Street.
- To create a welcoming atmosphere for visitors, residents, and shoppers.
- To provide an opportunity to trade for local businesses.
- To complement existing retailers and businesses of Town Street.
- To provide an alternative offer of products to residents, visitors, and shoppers.

Market Trading Designations:

Trading Licences are issued with conditions which specify the date, time, location, and type of stalls. Further information about applying to trade can be obtained from the Parish Clerk by emailing: Clerk@thaxted.co.uk

Location:

The market currently trades in Thaxted Town Street with stalls located typically outside properties 8 - 34 Town Street.

Note: On every trading occasion a licence holder must ensure that a sufficient gap is left between stalls/pitches and street furniture to enable unrestricted and unfettered wheelchair, pushchair or pedestrian movement.

Street Trading Categories:



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a) Thaxted Market

- 1.1 Thaxted Parish Council has authorised markets to take place on designated areas of Thaxted Town Street currently on Fridays.
- 1.2 The Market is operated by Thaxted Parish Council, however, administration and delegation of application process regarding street trading consent is carried out by the Market Manager and Parish Clerk since many of the functions are administrative or compliance based in nature.
- 1.3 All applicants will be expected to provide name and address contact details and land line and mobile telephone numbers and an e-mail contact address if this is held by the applicant. For further details about the application process see Section 3 of this policy document shown below.
- 1.4 An application for a Market Trading License must be accompanied by the appropriate fee.

Fees:

2. Individual Street Trading Stalls

- 2.1 From time-to-time Thaxted Parish Council may issue Licences to individual traders at one-off special events throughout the year but will consider applications, and on their own merits, at other times of the year.

Regular Trader Fees (A Trader who has traded for a period of eight (8) consecutive weeks or more may apply for “Regular Trader” status, under the Thaxted Parish Council Market conditions) a copy of which is provided upon successful pitch application or by request by contacting assistantclerk@thaxted-pc.gov.uk

- Small stalls (up to 1.5m x 2.15m) - £16.50 per day or part thereof.
- Medium stalls (2.15 – 3m) pitches £22
- Large stalls (over 3 m) – pitches £33
- Additional support vehicles - charged at multiples of the small stall rate.

Casual trader Fees

- Small stalls (up to 1.5m x 2.15m) - £19.80 per day or part thereof.
- Medium stalls (2.15 – 3m) pitches £26.40
- Large stalls (over 3 m) – pitches £39.60
- Additional support vehicles - charged at multiples of the small stall rate.

Payments



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The Stall holder shall pay the full amount stipulated on the booking form in advance of the specified trading day/s. Payment to be made by bank transfer

Criteria - General Terms

An application for a Trading pitch shall be made in writing to Thaxted parish Council, C/O the Parish Clerk, for individual market trading.

1.1 The applicant shall use the appropriate **Market Traders application form** available under the Market page of our Website.

1.2 licence to Trade shall not be granted to any person under the age of 18 although persons under the age of 18 can attend as assistants.

1.3 Subject to sub-paragraph (1.2) above, it shall be at the discretion of the Council to grant an application for a market Trading Licence or the renewal of such a licence unless they consider that the application ought to be refused on one or more of the grounds specified in sub-paragraphs (1.4, 1.12 and 3) below

1.4 The Council may refuse an application on any of the following grounds:

- a) That there is not enough space in the street for the applicant to engage in the trading in which he/she desires to engage without causing undue interference or inconvenience to persons using the street;
- b) That there is already one existing Market Trader trading in the goods in which the applicant desires to trade;
- c) That the applicant has at any time been granted a market Trading Licence by the Council and has persistently refused or neglected to pay fees due to them for it or charges due to them for services rendered by them to him/her in his/her capacity as licence-holder;
- d) Where the street market may damage the structure or surface of the street;
- e) Where the condition or appearance of the stall falls below the standard of a reasonable trading pitch
- f) That the applicant has without reasonable excuse failed to avail him or herself to a reasonable extent of a previous market Trading Licence.
- g) Where the applicant has at any time been granted a market Trading Consent or Licence and



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has persistently contravened conditions of this policy or the Thaxted Market conditions to Trade.

1.5 market Trading Licence shall specify:

- a) The area in which, days on which and times between which the licence- holder is permitted to trade; and
- b) The description of articles in which he/she is permitted to trade.

1.6 If the Council determines that a licence-holder is to confine his trading to a particular place in the street, his/her market Trading Licence shall specify that place.

1.7 Matters that fail to be specified in a market Trading Licence by virtue of sub- paragraphs (1.5) or (1.6) above are referred to in this Schedule as the “principal terms” of the Licence.

1.8 When granting or renewing a market Trading Licence, the Council may attach such further conditions (in this Schedule referred to as the “subsidiary terms” of the licence) as appear to them to be reasonable.

1.9 Without prejudice to the generality of sub-paragraph (1.8) above, the subsidiary terms of a licence may include conditions:

- a) Specifying the size and type of any stall or container which the licence- holder may use for trading.
- b) The items for sale could offend members of the public or businesses.
- c) The items for sale are not in keeping with the Council’s policy and objectives for trading, in providing quality specialist markets including the sale of alternative and niche products.

1.1 The market Trading Licence requires:

1.2 That any stall shall carry the name of the licence-holder or the number of his licence or both; and Prohibiting the leaving of refuse by the licence-holder.

1.11 A market Trading Licence shall, unless previously revoked or surrendered, remain valid for a period of 12 months from the date on which it is granted or, if a shorter period is specified in the licence, for that period.

1.12 The Council may at any time revoke a market Trading Licence if they consider:

- a) That, owing to circumstances which have arisen since the grant or renewal of the licence, there



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is not enough space in the street for the licence-holder to engage in the trading permitted by the licence without causing undue interference or inconvenience to persons using the street;

- b) That the licence-holder is unsuitable to hold the licence by reason of subsequently having been convicted of an offence
- c) That, since the grant or renewal of the licence, the licence-holder has persistently refused or neglected to pay fees due to the Council for it or charges due to them for services rendered by them to him/her in his/her capacity as licence-holder; or
- d) That, since the grant or renewal of the licence, the licence-holder has without reasonable excuse failed to avail him or herself of the licence to a reasonable extent.

1.3 A licence-holder may at any time surrender his licence to the council and it shall then cease to be valid.

1.4 The Council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

1.5 The Council reserves the right to use the licence fees to advertise and promote the market as a reasonable cost incurred in providing the service for market stallholders.

1.6 The stall shall be kept in the space allocated by the Council from time to time and the stallholder must keep the avenues adjoining the stall clear and free from refuse and litter.

1.7 Traders will need to supply their own stall and will be given a pitch appropriate to their needs. Stalls must be of high quality and safety is paramount. Stalls must be robust and withstand winds and therefore stalls may require weights. The size and positioning of the stall must be such that it does not contravene the restrictions specified in these conditions.

2 Stall Requirements

2.1 All stalls must:

Provide full compliance with the legal standards laid down by the Health and Safety at Work Act 1974 and all regulations made thereunder. In accordance to Thaxted Parish Councils Market Trading Conditions It is the responsibility of all Traders to acquaint themselves with the Trading Regulation(s) regarding their own specialist area and abide by them

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See the **Thaxted Market Conditions License to Trade** available under the Market Tab of our Web Page.

2.2 The Stallholder shall:

- a) Indemnify the Council against all costs, demands, claims proceedings and actions incurred by the



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Council relating to or arising out of the use of the space allocated by the Council.

- b) Obtain and maintain Public Liability Insurance with a minimum indemnity limit of £5,000,000 (five million pounds) and shall produce to the Council evidence of such insurance with the application to trade.

3. Guidance on products

- 3.1 The Council operates a fair and transparent process and welcomes all applications in accordance with this policy. The Council may however, refuse an application on the following grounds: That there are already enough traders trading in the market, from shops or otherwise, in the goods in which the applicant desires to trade.
- 3.2 Healthy competition is good for the town; however, the objective of the market is to complement and enhance the offering provided by the shop traders in the town. It is with the spirit of this principle in mind that sub-paragraph (3.3) is written.
- 3.3 The Act, under which the market operates, allows the Council to attach such further conditions as appear to be reasonable. Each application will be considered in its own right and on its own individual merits, however, clear guidance for applicants on the types of products which may be refused is set out below under (a) and (b). Product specification may also form part of the licence conditions.

- a) To allow one type of product to be sold by one Market trader.
- b) To refuse a trading licence to any trader who seeks to sell the following Products/Brands and works with competitive suppliers of our retail stores:

- Products of a sexual content
- Knives, guns and other weaponry
- Any living creatures or products derived from it
- Cooked food of burgers, hotdogs, chips, pizza and similar other fast food
- Products promoting the use of drugs or tobacco-related products
- Funfair type products; donuts and candy floss
- Goods which are a Forgery and or counterfeited branded items

To Note: At the time of creating this policy there are many existing outlets for hot drinks, such as tea and coffee and therefore the council is likely to refuse applications for further vendors.

This list is subject to review by the Finance Committee at regular intervals and the committee's decision is final in all matters.

- 3.4 The decision to allow or refuse a licence will be made once all areas of the policy have been considered. Licencing decisions are delegated as in 1.2 above.



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- 3.5 Should a licence be refused by the Market Manager, the reason for the decision will be sent in writing to the applicant within 14 days of the rejection. Should an applicant appeal the decision, the appeal should be made in writing within a further 14 days to the Parish Clerk who will review the decision made by the Market Manager and respond to the applicant. Should the applicant have grounds to appeal the Clerk's decision, then this will be presented for debate at the next available Finance meeting.
- 3.6 The applicant, and those parties making representations for or against, may attend the meeting to present their case to the committee in accordance with the Council's Standing Orders. All parties shall be asked to withdraw from the Council Chamber whilst the Councillors consider all information attached to the application, and additional presentations made in line with the contents of this policy. The Committee may grant consent, grant additional conditions, refuse the application, or seek to acquire further information.
- 3.7 The Clerk and Committee decision will be provided in writing within 14 days of the Council meeting. The decision will be final.