



Oswestry Town Council Markets Policy Booklet

Reviewed October 2021

Oswestry Town Council - Markets Policy

Context

The power of the supermarket, the internet and several other social aspects has dramatically changed the direction of retail resulting in increased competition and changes in peoples buying habits. The number of full-time market traders available has also substantially reduced making it essential for those who visit to have a good retailing experience.

That said, Oswestry Markets still enjoy some success and there are many examples of traders who are managing to sustain profitable businesses whether it is inside or on the outside market. The market events are also an integral part of the town as is the heritage and visitor value they bring, not to mention the community and employment aspect of the service.

1. Introduction

- 1.1 Oswestry Town Council (“the Council”) recognises the important contribution that markets make to 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.
- 1.2 The Council's markets (which are described in more detail in Section 4 of this markets policy) represent an important investment by the Council in delivering economic regeneration and town centre vitality.
- 1.3 The Council is committed to maintaining the balance of markets throughout Oswestry and ensuring there is consistency in the way markets are operated. Accordingly, the Council has decided to implement a markets policy which sets out the basis upon which markets are held and the process by which applications for markets shall be considered (“the Markets Policy”).
- 1.4 The Council recognises that there are many different types of market activities and, accordingly, the Markets Policy is intended to cater for each type. The Markets Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Section 5 of the Markets Policy deals with the different types of market activities and sets out the Council's approach when considering applications in respect of such markets.

- 1.5 The Council has also adopted a Balance Of Trade booklet which outlines the ideal mix of products and services for both the outdoor and indoor market.
- 1.6 Recognising the need to maintain public and trader safety during the Covid 19 pandemic, Oswestry Town Council has followed Government advice throughout and created a dynamic risk assessment. New safety procedures have been implemented and the Council have been fully informed throughout.

2. What is a Market?

- 2.1 The Markets Policy is intended to apply to all market events held in Oswestry. Guidance notes are set out below indicating which activities the Council regards as being a 'market'. However, these notes are not intended to cover all potential eventualities and the Council reserves the right to apply additional requirements in appropriate circumstances.
- i. The legal definition of a market is a 'concourse of buyers and sellers'.
 - ii. **A market shall be comprised of not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold and normally there shall be a range of different sellers.**
 - iii. A market may be held either outdoors or in a building.
 - iv. There shall be an operator of the market who shall be responsible for the organisation and delivery of the market event.
 - v. A market operator means the person, body or organisation to which a market licence is granted by the Council.
 - vi. Markets include car boot sales, antique and craft markets, general markets, food markets, farmers' markets and charitable markets. However, this list is not exhaustive.
 - vii. A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy. Where a premises licence for a wider event (which includes a market element) has been issued by the Council then a separate market licence may not be required. However, this requirement shall be determined on a case-by-case basis.

- 2.2 The Markets Policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element.
- i. 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.
 - ii. **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 market must be operated on a non-profit making basis and the operator shall, if requested, supply relevant information as proof of this to the Council. While it is recognised and acknowledged that some traders may be selling goods for their own purposes, the Council shall expect there to be a strong charitable element in the way the event is organised.
- 2.3 This Markets Policy does not apply to street trading activities other than the regular outdoor market trading held in Bailey Street every Wednesday and Saturday and on the last Friday of every month. Other street activities such as busking and ‘chuggers’ are controlled by a different licensing process and relates to the granting of individual trading licences for identified streets.
- 2.4 All traders, including casual traders, require evidence of Public Liability Insurance offset at a minimum of £5 million to trade on Oswestry Markets.

That no political groups to be permitted to hire stalls on Oswestry markets on a free of charge or pay basis. Each individual case will be discussed between the Market Manager and Town Clerk using a “common sense approach”. Any disruption to the market activity will be considered.

No political publicity to be displayed on any market stalls as this would be considered to be a breach of licence conditions.

To acknowledge that historically markets will be used as photographic opportunities for political publicity in the run up to Elections, and this be recognised but no Officer to form part of media publicity.

3. Market Rights

- 3.1 Oswestry Town Council, by virtue of its statutory powers, enjoys market rights throughout Oswestry.

- 3.2 All markets held in Oswestry are licenced and operated in accordance with the provisions of Part III of the Food Act 1984. Oswestry Markets also operate under a Royal Charter which was first granted during the reign of Henry II when the Town was known as Whiteminster. In 1262 a Charter was granted by John FitzAlan, Lord of the Manor To our Burgesses of our village of Oswaldestree.
- 3.3 The statutory powers afforded to the Council under the provisions of Part III of the Food Act 1984 enable the Council to: (Reaffirmed by Council in February 2019)
- a) implement a markets policy within its area;
 - b) operate markets within Oswestry;
 - c) consider applications for other markets; and
 - d) determine whether such markets can be held by way of consent.

4. Oswestry Town Council Markets

4.1 Oswestry Town Council currently operate all existing markets in the town.

4.2 At present there is:

- Indoor Market – Wednesday, Friday and Saturday
- Outdoor market – Wednesday, and Saturday
- Artisan Market – Last Friday of every month

4.3 The Council also operates occasional market events, such as the Continental Markets and speciality markets.

4.4 The Council has the power to establish new markets if it so wishes – as either regular or occasional events. Accordingly, the above list is subject to change and shall be updated as part of a periodic review of the Councils Markets Policy. The Council will operate any new markets under the provisions of Part III of the Food Act 1984 and/or its Royal Charter.

4.5 As well as the Bailey Head and Horse Market it has been agreed to strategically place up to 13 single gazebos in Bailey Street every Wednesday, Saturday and Artisan Market to act as a conduit between the town centre and market.

5.0 Artisan Market

5.1 Because of its unique nature there is a separate policy for the Artisan Market

Following considerable consultation and outcomes from the Market Seminar it was agreed that the use of Bailey Street would not only increase the chances of an improved outdoor market but also give the Council far more flexibility when operating larger town events such as Continental Markets and Food Festivals.

It has been agreed to strategically place up to 13 single gazebos in Bailey Street every Wednesday, Saturday and Artisan Market to act as a conduit between the town centre and market.

The Artisan Market remain on the last Friday of each month except December when it is brought forward one week.

Spaces will be allocated based on application. The intention is for these to be allocated on block for 7 markets. As spaces are limited loyalty and consistent attendance will be the principle criteria used when allocating locations.

Consideration must be given to the existing shops in Bailey Street when placing the products. Direct competition may not be well received and will not make commercial sense. Respect will be given to shop fronts and doorways and any if any changes are required decisions will be made quickly after consideration.

Using the backs of the gazebos will be discouraged to enable visitors to see the shops directly behind the stalls.

Empty shops will be utilized when positioning the stalls in the future, but this may change once the unit is filled.

As this is a specific type of market only produce and craft type stalls will be allowed in Bailey Street and Cross Street, to protect the new brand being created. These will in principle be handmade items. However, it has been agreed to permit traditional traders to trade on the Bailey Head only on the same day to help support the indoor market by creating a market presence on the square.

The Town Council would like the market to operate from 9am until 3pm, which is longer than previously. Anyone who can't work within these times

will be placed on the Bailey Head. Any vehicles will need to respect the shops and pedestrians when loading and unloading their goods. With this in mind, vehicles will not be allowed to remain any later than 9.30am or enter the street before 3pm unless adverse weather prompts alternative timings.

As there is currently no power source in the street the traders will be responsible for their own power looking to use 'silent' generators

6.0 Market Rent

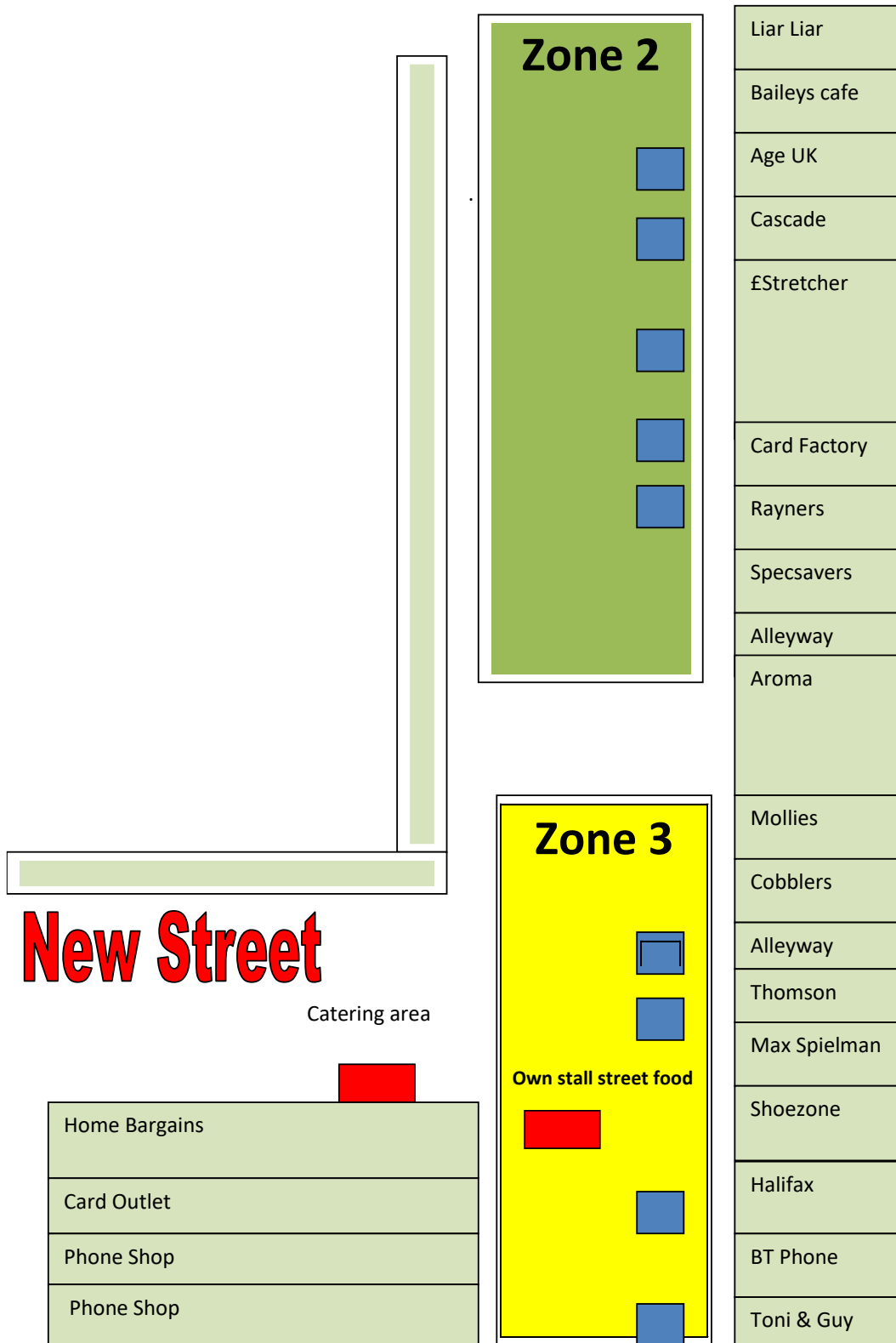
- 6.1 Any Indoor Market rent increases are decided at the annual Budget Meeting however as a rule it rises by 3% per year. The indoor market rent is collected every Wednesday.
- 6.2 There has been rare occasions reason to 'freeze' the rent within the indoor market. This has been due to serious illness or delicate family issues. Any decision often needs to be prompt and best agreed with the Chairman of the Markets and Town Centre Committee and Town Clerk following discussion with the Market Manager. These will be logged for audit purposes.
- 6.3 There has been occasion during the lockdown period of the Covid 19 pandemic to implement a rent freeze and subsequent staggered rent tier system to support the indoor traders through this difficult trading period. This has been documented and agreed through Council.
- 6.4 Outdoor Market - Now that use of Bailey Street has been trialed and has proved popular the initial trial rental charges have been agreed to be adjusted in the Spring of 2019.
- 6.5 The Council, in line with its street trading policy and recognising the stronger retailing areas, has differentiated the area designated to market trading into 3 zones. These will be the new rental guideline fees per stall on a Saturday.

Zone 1 £10 per visit Bailey Head flexible attendance

Zone 2 £15 per visit

Zone 3 £20 per visit

Bailey Street



- 6.6 The Wednesday Outdoor Market will maintain the £10 per stall rate on the Bailey Head but increase rent in Zone 2 to £12 and Zone 3 to £15, applied in Spring 2019.

The rent amounts for the outdoor market will be reviewed annually by the Market Manager and confirmed by the Finance Officer to ensure there are no anomalies.

- 6.7 Continue to incentivize regular attendance all outdoor traders who trade on the Bailey Head and the side of the indoor market only by offering a free visit once they have traded for four consecutive days. This is aimed at encouraging more traders to use the Bailey Head as it is important to maintain a market presence in this area, therefore this incentive will not be offered to traders using Bailey Street.
- 6.8 Trader numbers often fall in the Winter months as the weather becomes cold and wet. Damage to the products people sell means that there is a reluctance to attend when the weather is poor. Market days that experience adverse weather may have the rent adjusted depending on the weather conditions and down to the discretion of the Market Manager. This will act as an incentive for future adverse weather market days.
- 6.9 Historic Market Policies - As 'back rent' is not only extremely difficult to implement, it no longer fits a modern market business model. Rather than to penalize traders financially the policy has been amended (November 2018) so that if a trader misses a market consecutively, they will not now be charged back rent but could potentially lose their pitch instead, something traders' value highly. This was also the recommendation of the independent auditor.
- 6.10 The outdoor markets are now classed as casual markets. This will mean that traders can attend the market when they can, providing they have public liability (£5 million) and satisfy our trading policy. Records of the traders using the market will continue to be kept as will their public liability details.
- 6.11 Some traders prefer to use their own stalls which is also less demanding on the maintenance team. The rent is calculated by the Market Manager using £1 per foot as a guideline.

The side of the indoor market can accommodate larger traders however this area is perceived the least attractive to retail in. Rent values reflect these circumstances.

7. Right of Assignment

7.1 The Right of Assignment is essentially the selling or continuing of an existing business to be managed/owned by a new trader. It was agreed by Council to permit within the Indoor Market providing the following criteria is met.

- That the successor will continue the business and carry on selling the same goods.
- That the successor taking over the outgoing Licensees business as carried out from the market.
- The parties should provide evidence of their agreement to transfer the business.
- The successor should provide evidence of their commitment to invest in and continue the business.
- The provision of character, financial and previous Landlords references.
- A requirement that the assignee may not be a limited company
- A condition that the new Licensee is suitably qualified and experienced to carry on the business
- That the Council is satisfied with the current location to continue to sell the same goods as the previous Licensee and have not decided to allocate the area to an alternative trade or purpose.

7.2 The final decision for the Right of Assignment will rest with the Council with the right of refusal although approval will not be unreasonably withheld or delayed.

8. Alcohol Policy

Oswestry market now has a premise's alcohol license for the market to permit traders to sell alcohol on their stalls, whether it be consumed onsite or offsite. The Market Manager, the named as the Dedicated Premises Holder, will permit traders to sell alcohol providing they meet a number of criteria. Those being:

8.1 Stallholders who wish to sell alcohol must have a level 2 accredited qualification for personal licence holders or a obtain a Personal Licence.

8.2 Stallholders must undertake the Market licensing induction training provided by the Dedicated Premises Holder. This will include the licence conditions specifically for Oswestry Market including the management of the national Challenge 25 scheme.

8.3 All requests to sell alcohol must be made in writing to the Market Manager and must set out in detail the nature of the proposal.

9. Licensing Private Markets under the Council's Markets Policy

9.1 The Council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence shall be in breach of the Markets Policy and may be subject to the enforcement action described in Section 8 below.

9.2 Markets shall only be licensed once an application for a markets licence has been approved. An appropriate fee may be requested by the Council.

- No market shall be authorised within 6 2/3 miles of an existing licensed market unless it can be demonstrated that the new market shall not undermine the existing market and not prejudice the overall market offer.
- The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
- The applicant must ensure that all other necessary consents and licences have been obtained prior to the market taking place.
- The operation and liability of the said market is the sole responsibility of the applicant not the Town Council

9.3 Market licenses are issued to the market operator identified in the application (“the Market Operator”) and are not transferrable.

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

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

- 9.5 An example of licence agreement is given at Appendix 3.
- 9.6 Community-based markets are normally organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event.
- 9.7 The Council shall consider applications in respect of community-based markets having regard to the following requirements:
- The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
 - The applicant must ensure that all other necessary consents and licences have been obtained prior to the market taking place.
 - The operation and liability of the said market is the sole responsibility of the applicant not the Town Council.
 - 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 if so requested. While it is acknowledged that some traders shall be selling goods for their own purposes, the Council shall look for the event to have a strong charitable element in the way the event is organised.
- 9.8 Applications in respect of both commercial markets and community-based markets should be made to:

**Oswestry Town Council
Guildhall
Oswestry
SY11 1PZ**

davidclough@oswestry-tc.gov.uk

- 9.9 An electronic version of the Council's Markets Policy, together with the relevant market licence application form, can be viewed and downloaded from www.oswestry-tc.gov.uk . A market licence application form can be found at

Appendix 1. An example market licence agreement can be found at Appendix 2.

- 9.10 The Council will endeavour to deal with applications for a markets licence within a period of twenty working days from receipt of the application. Applicants are 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 also covered on the application form. Failure to provide such information is likely to lead to a delay in the Council coming to a decision.
- 9.11 The authority to grant a market licence is held by the Markets and Car Parks Committee with this power being delegated under the Council's constitution and scheme of delegation.
- 9.12 All decisions to grant market licenses are made at the discretion of Oswestry Town Council.

i) Appeal process

- 9.13 If the Council decides to refuse an application for a market licence it will contact the applicant and set out the reasons for its decision.
- 9.14 There is no statutory right of appeal against refusal to issue a market licence, however, you may appeal against the decision.
- 9.15 Any appeal against a decision to refuse a market licence must be made in writing to the Council, setting out the reasons the applicant believes the refusal is unwarranted.
- 9.16 On receipt of an appeal request the decision to refuse the market will be reviewed and the applicant informed of the outcome.

ii) Renewing a market licence

- 9.17 Market Operators should re-submit their application every 12 months if they wish to continue to operate a regular market. This must be done at least one month before their current market licence expires.

9.18 The Council will not send out reminders for renewals. It is up to the operator to renew their application on time.

9.19 Lapsed market licences will be dealt with as new applications.

10. Market Licence Fees

10.1 A possible licence fee is payable once an application for a market licence has received in principle approval from the Council. In circumstances where a payment is requested a licence agreement will not be drawn-up by the Council until the appropriate fee has been received.

10.2 The licence fee will be dependent on the type of market being held:

i) **Commercial Markets** - The licence fee for commercial markets will be based on the size of the market and the frequency of the market.

ii) **Community-based Markets** - Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.

10.3. All fees are payable to Oswestry Town Council.

11. Other Approvals

11.1 It is important to emphasise that any approval given by the Council in accordance with this Market Policy shall not remove the requirement for any other relevant approvals, consents and licences to be obtained by the Market Operator.

11.2 Where the market is being held on private land the Market Operator must ensure that the prior approval of the relevant landowner is obtained.

11.3 The Market Operator shall 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.

11.4 The Market Operator should consult with the County Council's Planning Department to ascertain whether planning consent is needed for the market to operate. Any market held in the same location for 14 or more days in a calendar year will require planning consent.

11.5 The Council may require evidence of these approvals being obtained prior to the granting of a market licence

12. Enforcement

12.1 The Council will monitor the application of its Markets Policy and any market event which is operated after the date of the adoption of this Markets Policy will be subject to the Council's requirements.

12.2 Any market which is not approved by the Council under Section 5 of its Markets Policy will be subject to legal action and the Council may seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.

12.3 Any market operator acting in contravention of any market 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 market licences submitted by the operator concerned or any person or organisation associated with the operator.

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

13. Review

13.1 We will review this policy as necessary. We will continue to evaluate the policy and may update it at any time.

Appendix 1: Application for a Market Licence

Oswestry Town Council

Please read this information prior to completing the form below

Oswestry Town Council (the Council), by virtue of its statutory powers, enjoys market rights throughout Oswestry and is in a position to license market events within Oswestry and within a 6 2/3rd mile radius of its current markets. The Council has

adopted a Markets Policy which sets out the process via which the granting of licences to hold markets within these boundaries will be made and the criteria against which applications will be assessed. The current Markets Policy is available to view at www.oswestry-tc.gov.uk or a hard copy available on request from the Guildhall 01691 680222. Please make sure that you have read the current Markets Policy and fully understand the Council's requirements in relation to markets before you submit an application.

A market is defined as being comprised of not less than five stalls, stands, vehicles, whether moveable or not or pitches from which articles are sold and normally there will be a range of different sellers. Car boot sales, antique and craft markets, general markets, food markets, farmers' markets, charitable markets and markets held as part of a bigger event all fall within the remit of the Markets Policy adopted by the Council. If you wish to operate a market within Oswestry it will be necessary to obtain a markets licence from the Council. To enable the Council to assess your application you must fully complete the application form below and provide any supplementary information and documentation that is required.

The Council operates a number of markets within Oswestry under the provisions of Part III of the Food Act 1984 and its Royal Charter. Under the terms of the Council's current Markets Policy no new commercial market will be authorised within 6^{2/3} miles of an existing licensed market unless it can be demonstrated that the new market will not undermine the existing market and not prejudice the Council's overall market offer.

You must submit the application form, together with all relevant supporting information, at least 20 working days in advance of the proposed market. You must not hold a market until you have confirmation that your application has been approved, a markets licence has been drawn-up and signed by both the Council and the operator. A fee may be required in respect of the markets licence, received by the Council.

It is important that in addition to obtaining a markets' licence you also secure any other relevant approvals / consents in respect of the holding of the market. This may include planning approval or other statutory operational requirements such as a licence to sell alcohol. It is also important that you have the approval of the owner of the land on which it is proposed to hold the market.

Application form for a Market Licence issued by Oswestry Town Council under the provisions of Part III of the Food Act 1984

Section 1: Your Details

The information provided in this section relates to the person submitting the application (the Markets Operator) the details of which will be used in any subsequent licence agreement.

Your full name

Name of your business or organisation (the Market Operator)

Type of organisation e.g. commercial business / charity

Your position within the organisation

Address including postcode

Telephone Number

What type of market are you applying for? (Please tick only one box)

General Market

Car Boot Sale

Antique / Craft Fair

Food Market

Farmers' Market

Other (please specify)

What will be the name of the market?

Where is the market to be held? (Please be specific as possible and attach a site plan with the boundary of the proposed market area outlined in red and the proposed stall layout shown. Please also specify the current use of the site e.g. car-park, public highway, building etc).

How many stalls, pitches, stands will there be?

Please provide details of the type of goods that will be sold and whether such goods will be new or used. Please also provide details of any food / drink items that will be sold.

Please provide details of any entertainment that will accompany the market.

When will the market be held?

How often will the market be held?

One-off Please provide date

Daily

Weekly Which day of the week?

Monthly Which dates in the month?

Other Please attach a list of dates

Please give the trading times of the market:

Will alcohol be on sale at the market? (Please tick)

Yes No

Section 2: Operational Issues

Please provide details of the arrangements you will make to deal with the **waste** that will be generated by the market.

Please provide details of the arrangements that you will make to supply **power** (if required) to the market. Please note that any electricity generators used should be fit for purpose and comply with current best-practice guidelines in terms of noise and emission levels.

Please provide details of any **traffic management arrangements** associated with the market. Please include information on nearby **car parking provision** and any **road closures** required.

Section 3: Community based markets with a strong charitable element

Please complete this section only if the market will be held with the intention of raising funds for a specific charity or celebrating a special event.

Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived. 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.

Details of the charity / good cause / or special event being celebrated

Section 5: Applicant Checklist

Before submitting your application, please confirm that you have completed the following:

Obtained written approval from the land / building owner (if market is to be held on private land)

Obtained planning consent (if required) for the market

Completed a risk assessment in connection with the proposed operation of the market (you should include arrangements for vehicle movement, pedestrian safety, loading and unloading, traffic management, allocation of trading positions, use of cooking equipment, first aid and emergencies, food safety, provision of welfare facilities and erecting and dismantling of any equipment used in conjunction with the holding of the market).

Section 4: Licence Fees

A licence fee may be payable once an application for a market licence has received in-principle approval from the Council. In these circumstances the licence agreement will not be drawn-up by the Council until the appropriate fee has been received. All fees should be made payable to Oswestry Town Council.

The licence fee will be dependent on the type of market being held. The licence fee for commercial markets will be based on the size of the market and the frequency of the market. Please see Appendix 2 of the Council's Market Policy for the current list of fees. Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.

Section 5: Declaration & Additional Information

In addition to obtaining a markets' licence the Markets Operator is responsible for obtaining all other relevant permissions / consents to enable the market to operate legally and safely. If you are unsure about any aspect of this application or related consents, then please contact the Council for guidance before signing below.

The information that you have provided in support of your application for a markets licence will be kept private and confidential although the Council may use such information for the prevention and detection of fraud. The Council also reserve the right to share the information you have provided with other bodies when required by law, statutory requirement and in respect of crime prevention and detection.

In signing and submitting this application, you confirm that all the details you have provided are correct and you undertake to notify the Council of any changes to this information within five working days of such changes arising. The Council reserves the right to request additional information before a decision is taken on your application for a markets licence.

Please tick the following boxes to confirm that you have included the following documents with this application:

Site location plan showing the boundary of the market area and the proposed layout of the stalls / pitches

A copy of your public liability insurance certificate (£5 million minimum cover required)

Market licence applications will not be determined unless these documents have been supplied.

By signing this form you agree to operate the market in accordance with Oswestry Town Council's Markets Policy and agree to indemnify the Council against any loss or liability which may be incurred as a result of a market licence being granted.

Please sign to accept the above terms and conditions:

Signed:

Please print name:

Name of Business or Organisation:

Position within Organisation:

Completed applications, including all supporting documents, should be submitted to:

**Oswestry Town Council
Guildhall
Oswestry
SY11 1PZ**

Tel: **01691 680222**

Appendix 2: Template Licence Agreement

Market Licence Agreement

issued by Oswestry Town Council under the provisions of Part III of the Food Act 1984

THIS 'AGREEMENT' is made the () day of () TWO THOUSAND AND () BETWEEN Oswestry Town Council, Guildhall, Oswestry SY11 1PZ (hereinafter called "**the Council**") and (insert name) of (insert address) (hereinafter called "**the Markets Operator**".)

Details of Market Approved by the Council under this Markets Licence:

Name & location of Market

Date(s) of Market

Frequency of Market

Licence Fee

Licence Period (12 months maximum – licence must then be renewed)

Additional Information

Recitals:

- i. The Council has the powers to operate and regulate markets within the borough of Oswestry Town council under the provisions of Part III of the Food Act 1984.
- ii. The Council has adopted a Markets Policy which covers the granting of licences to hold markets within the boundary of Oswestry Town Council and this Agreement is governed by the requirements of the current Policy.
- iii. The Council has agreed to grant a markets licence to the Markets Operator subject to the terms set out in this Agreement.

Operator's Obligations:

The Markets Operator agrees to operate the approved market in accordance with the terms set out below:

1. The Markets Operator will hold the market in accordance with the approval given by the Council including the payment of all relevant fees prior to the market being held.
2. The Markets Operator will comply with the requirements of the markets licence as set out in this Agreement and the Council's Markets Policy.
3. The Markets Operator will at all times maintain in force a public liability policy or policies of insurance for the market providing single accident indemnity limits of not less than **Five Million Pounds** (£5,000,000) and will supply the Council with a copy of the policy or policies of insurance when making an application for a markets licence.
4. In respect of commercial markets, the Markets Operator must ensure that all stallholders have their own adequate insurances in place including a minimum of five million pounds public liability insurance.
5. The Markets Operator will maintain records of all traders using the market and undertakes to make such records available for inspection by the Council upon request.

6. The Markets Operator must ensure that the market is operated in accordance with all statutory requirements and in compliance with all Acts of Parliament, bye-laws and regulations affecting the market area, road-closures / traffic management, public entertainment, the sale of goods /alcohol at the market or any business carried out in the market.
7. The Markets Operator must obtain all relevant approvals in respect of highways, planning and other legal and statutory requirements prior to the market being held and ensure that all information regarding such approvals is available for inspection by the Council upon request.
8. The Markets Operator undertakes not to cause any nuisance or annoyance to anyone affected by the holding of the market.
9. The Markets Operator undertakes to make adequate arrangements for the disposal of waste material and to leave the market site in a clean and tidy condition at the conclusion of the market.
10. The Markets Operator must provide suitably qualified persons and all equipment necessary to safely operate, administer and provide security to the market.
11. The Markets Operator shall be present or arrange for a suitably qualified representative to be present on site at all times that the market is in operation.
12. The Markets Operator must ensure that all market stalls are maintained in a clean state and their structures kept in good condition.
13. The Markets Operator must ensure that all walkways and spaces between stalls shall be kept clear of stock, empty boxes and any other trip or slip hazards.
14. The Markets Operator must ensure that adequate access is maintained for the emergency services at all times.
15. The Markets Operator must ensure that any trader selling foodstuffs on a market shall comply with current Food Safety legislation including having appropriate hand-washing facilities.

16. The Markets Operator must ensure that all food traders are registered with their local food safety authority. Authorised Officers of the Council may carry out health and safety inspections of the market site, facilities, individual stalls and vehicles.
17. The Markets Operator must endeavour that any disturbance to nearby homes and businesses is kept to a minimum.
18. The Markets Operator must ensure that any electricity generators used are fit for purpose and comply with current best-practice guidelines in terms of noise and emission levels.
19. The Markets Operator shall not permit raffles or collections save with the knowledge and licence (if necessary) of the licensing department of the Council.
20. The Markets Operator is required to maintain a plan of the layout of the market and make such a plan available to the Council when applying for a markets licence.
21. The Markets Operator must maintain an adequate risk assessment plan covering all aspects of the operation of the market and must take steps to minimise identified risks wherever possible. The risk assessment plan must be made available for inspection by the Council upon request.
22. This Agreement may be rescinded if the Markets Operator commits any material breach of the obligations provided for under this Agreement or materially fails to perform any of the terms and conditions contained in the Agreement.
23. The Markets Operator shall not assign transfer sub-contract or licence the benefit of this Agreement without the prior written consent of the Council.
24. The Markets Operator is not and shall in no circumstances hold themselves out as being authorised to enter into any contract on behalf of the Council or in any other way to bind the Council to performance, variation, release or discharge of any obligation contained in this Agreement.

25. The Council shall be free to operate any other market on any day or at any location in accordance with its Market Rights and this Agreement does not grant the Markets Operator a right to operate any other market.
26. The Council shall not be liable for the deaths of or injury to any person or for damage to any property or for any losses claims demands actions proceedings damages costs or expenses or other liability incurred by the Markets Operator or any employee of the Markets Operator or any person or body authorised by the Markets Operator to be within the market area nor shall it be liable for any such loss suffered by a visitor or member of the public except where caused by the proven negligence of the Council.
27. The Markets Operator shall indemnify the Council against all actions proceedings costs claims demands damages charges and expenses whatsoever arising out of the discharge of this Agreement.

Declaration:

Failure to comply with any of the obligations as set out above may result in the consent to hold a market being withdrawn.

By signing this form, you agree to operate the market in accordance with the Operator's obligations set out above and agree to indemnify the Council against any loss or liability which may be incurred as a result of a market licence being granted.

Signed on behalf of the Markets Operator: _____

Print Name: _____

Name of Business or Organisation: _____

Position: _____

Signed on behalf of the Council: _____

Print Name: _____

Position: _____