



# ALCESTER TOWN COUNCIL

## Office of the Town Clerk

Globe House, Priory Road, Alcester, Warks B49 5DZ  
Telephone: 01789 766084; Website: [www.alcester-tc.gov.uk](http://www.alcester-tc.gov.uk)

### A guide to market applications

Alcester Town Council is the Local Market Authority for the Parish of Alcester. The Local Market Authority *must* be informed of *all* markets being held within its area. Markets not requiring a license therefore will not be charged a Market Licence fee but expected to comply with the Food Act 1984 are:

- Car boot sales
- Charitable or social events (including the Mop fair)
- Sporting or political events
- Events held within the curtilage of a building/private property (e.g. School Fayre)

### **All other markets require a license**

#### What the applicant must do:

1. Complete an appropriate Market Licence form available via the Alcester Town Council web site or in person at the office of the Globe Community Hub.
2. Demonstrate the organiser will be a competent person with appropriate experience to hold a market.
3. Apply for the Market Licence a **MINIMUM** of 6 weeks in advance of the market. However if you require a Road Closure License this is obtained from Stratford-on-Avon District Council and must be applied for **AFTER** a market license is granted. Given that The Road Closure Licence requires 12 weeks notice, this would mean applying for the Market Licence 16 weeks in advance of the date of the market.
4. Obtain a Liquor License (if appropriate). Liquor licenses are also obtained from the Licensing department of Stratford-on-Avon District Council, this must be done before the date of the Market and evidence produced on request by then.
5. Obtain planning permission if required, again this is obtained from Stratford-on-Avon District Council
6. Should Island signage be required be required the design should be approved by Alcester Town Council at least 8 weeks before it is required
7. Pay the appropriate Market Licence fee following approval by the Alcester Town Council based on the type, frequency and number of stalls of the market (Refer to application form)
8. Comply with *all* the conditions within this document

#### What the council will do:

- Inform the applicant in a timely manner if a license is grantable for the date(s) requested
- Invoice the applicant for the appropriate fee
- Monitor the market for any contraventions of its conditions

#### Other information

- All applications shall be made to Mr Chris Wright, Clerk to Alcester Town Council, Globe House, Priory Road, Alcester, B49 5DZ.
- Web site: [www.alcester-tc.gov.uk](http://www.alcester-tc.gov.uk)
- A recurring license requires renewing annually



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## Alcester Town Council Licensing Policy in Respect of both Commercial and Charitable Markets

### 1. Introduction

Alcester Town Council now manages the markets within the parish, following a motion being passed in December 2013. The Council has powers to license and operate markets under the Markets Charter and Part III of the Food Act 1984.

Any person seeking to establish a market from the date this policy is introduced will be expected to obtain a licence from the Council or face action from the Council for failing to obtain the relevant approval.

Any fees charged by the Town Council are to cover administration costs of the process but will also go towards the parish-wide support and promotion of the town as a market town which in the long run will also support the markets which are held therein.

### 2. Market Definition

A market is defined as:

- A "concourse of buyers and sellers"
- Where an operator is responsible for the organisation and delivery of the market
- An event with more than five stalls, pitches, stands etc.
- Is held at any area/place to which the general public have access
- An integral part of a special event/festival (as a license will already have been obtained)

If any of these conditions apply then the market falls within the Market Authorities remit

A single Market License consent will cover a number of traders as follows:

Category 0 – up to 5 traders

Category 1 – Between 6 and 20 traders

Category 2 – Between 21 and 49 traders

Category 3 – Between 50 and 75 traders

Category 4 – Between 76 and 99 traders

Category 5 – over 100 traders

### 3. Market type definition

The Council's policy differentiates between markets of a commercial nature, community-based markets and charity markets. Markets with a strong charitable element will not attract the higher fee. Commercial markets are defined as *not* charitable and organised by the operator for *profit*.

#### a. Commercial Markets

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.



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

- No new regular commercial market will be authorised within the Parish, unless it can be demonstrated that the new market will not undermine the existing market and not prejudice the overall market offer
- The operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provision laid down by the Council before a license can be granted
- A fee (as specified on the application form) will be paid in respect of any consent given by the Council and the fee will be based on the size of the market and the frequency of the market.
- Details of the type of goods to be sold on the market should be approved by the Council
- 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
- The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety and health standards.

### **b. Community-Based Markets**

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:

- 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 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
- In respect of any consent the operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provisions laid down by the Council
- A fee (as specified on the application form) will be paid in respect of any consent given by the Council and the fee will be based on the size of the market and the frequency of the market.
- 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
- The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety and health standards.

### **c. Charitable Markets**

A charitable market is defined as a market solely for charitable organisations with no commercial aspect. These Markets will still be expected to apply for a Market Licence and comply with the Market Authority's Policy however may be exempt of fees.

*Following a motion passed by the Planning Committee of Alcester Town Council (August 2015) there are two named exemptions to Market Licence fees, these are:*

- *Alcester Court Leet June Street Market*
- *St Nicholas Night in December*



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### 4. Other Approvals

*Issuance of a license does not remove the requirement for other relevant approvals or licenses to be obtained*

- The holding of a market requires the grant of planning approval unless it is of a temporary nature and is covered by the terms of the General Development Order which provides the Market Authority to hold up to fourteen markets in a year subject to certain restrictions. Therefore it is important to note that the grant of planning permission does not dispense with the need to obtain separate approval under this licensing policy. The Council's market powers are operated quite independently from the Local Planning Authority requirements.
- Attention is drawn to the provisions of the Licensing Act 2003 in respect of any entertainment provided at the market or where a Temporary Events Notice might be required of the sale of hot food or alcohol.
- A Road Closure order must *not* be obtained until a Market Licence has been granted.

### 5. Accompanying documentation

The applicant shall provide a high quality, readable, OS type map scaled to 1:2500 and of A4 size showing:

- The extent of the market
- Shall clearly indicate the location of the proposed market site in the centre of the map outlined in red.
- Should indicate the locations of other street traders and business outlets trading in similar commodities to those proposed, outlined in blue. The applicant should deliver notices to these premises giving details of the application.

### 6. Council Decision on any Application

Within one month of the correctly submitted application, the Council will notify the operator of whether it is prepared to grant an application. If the authorised Committee of the Council approves the application the operator is expected to enter into a licensing agreement with the Council setting out the terms on which the market can be held.

The operator will be invoiced by the Council for the relevant fee in respect of the licence. This fee will cover the Council's administration costs and an additional payment reflecting the size of the market. Failure to pay this fee within the specified timeframe may result in legal action being taken against the applicant.

The Market License fee is applicable to a single market. If there is to be a regular market the applicant should specify this in their application and will be invoiced with their Notice of Decision for each market date within one month of the next occurring market for a period of up to one year, after which the applicant must make a new application.

Following determination of an application by the authorised Committee, the Council will then notify the applicant in writing with a Notice of Decision. If the Council refuses the application for a market the Council will provide reasons for the decision and the operator will have the opportunity to submit an appeal which will be considered by the Council.



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### 7. Enforcement

The Council will monitor the application of its markets policy and any market event which is established after the date of implementation of this markets Policy will be subject to the Council's requirements. Any market which takes place without the necessary approval by the Council will be subject to legal action and the Council will seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate. In addition, 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 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.

### 8. Review of this Policy

This policy will be reviewed every four years, at the start of a new Council term. All interested parties may contribute to the review process. The designated committee for Market Licences will continue to evaluate the policy for fitness and has the authority to amend and update it as required.

### 9. Traffic Island advertising

The Town Council sponsor four signs on the traffic island at the West end of Evesham Street, these signs are to encourage visitors into the Town and to advertise local events. Details of how this sign should be manufactured (at the cost of the applicant) can be obtained from the Town Clerk, the materials and design of the sign must be approved by the Communication Committee of Alcester Town Council before they are installed. As part of the Commercial Market Licence fee, the use of these signs to advertise the event for **one week** prior to the event is included. Community-based and Charitable Markets with a granted Licence fee will be charged a minimal fee of £40 for the use of the four signs for one week prior. Other events wishing to use the signage will have to apply to the Town Clerk.



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### 10. Conditions

1. The market Licence consent only relates to the trading hours and location as stipulated in the consent.
2. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position at the location of the market.
3. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, firearms, airguns, swords and crossbows)
4. The market licence consent holder shall only trade from a stall or vehicle approved by the Council
5. The consent holder shall ensure the market is covered by adequate Third Party Insurance and a certificate of such must be produced on request to an authorised officer.
6. WC facilities should be available for staff and members of the public if seating is made available for the consumption of food on site. If public conveniences are required beyond usual opening hours then a charge will be levied by the relevant Council authority.
7. The consent holder is responsible for ensuring all stalls selling hot and cold food adhere to strict food hygiene regulations under the Food Standards Act 1999
8. The market traders shall conduct his/her business in such a manner to ensure that he/she does not:
  - a. Cause a nuisance to the occupiers of nearby properties or businesses
  - b. Cause an obstruction to vehicles or pedestrians
  - c. Cause a danger to occupiers of nearby properties, businesses or any other users of the areas nearby.
9. The consent holder should ensure that the placement of markets outside businesses does not interfere with those businesses, and where possible should aim to work with the businesses which may be affected by way of including them in the market where appropriate
10. The consent holder shall ensure that a suitable number of refuse storage is provided throughout the market area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day, or if the amount of refuse warrants it, or when the container is full, whichever is sooner.
11. The consent holder shall ensure that the whole designated area and footpaths and carriageways to a distance of 10 metres away be kept free of litter and refuse at all times whilst resident.
12. If additional street cleaning is required as a result of the event a charge will be levied.
13. No process or operation shall be carried out which would give rise to a nuisance by reason of noise, vibration, smoke or smell
14. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other enactment or requirement and the holder is specifically advised to obtain such other approvals as may be required
15. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the location of the market. For the purpose of this condition, material is unsuitable if in the opinion of an officer of the council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.





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16. No signage or objects shall be placed on the highway or area surrounding the market without the appropriate permit.
17. ATC enforce a discretionary one week period for advertising for the event which must be removed immediately after, and also not in excess or of an inappropriate design (see item 15). Inappropriate signage will be taken down and held for a period of *two weeks* after which it will be disposed of. Failure to remove the Traffic Island signs will result in a fine and may affect your future use of this facility.
18. The consent holder must be aware of potential disability access issues and where practicable take steps to ensure accessibility in and around the market area for all.
19. The consent holder should ensure that emergency vehicles can access through the site.
20. Where the market is to remain in place for an extended period of time, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the market for which consent has been granted.
21. All stalls to be issued with a number that must be displayed on the stall, the consent holder should then keep a record of each stallholder present on the market, including contact details, which must be produced on request to an authorised officer.
22. Failure to comply with any condition attached to the market licence may result in the revocation of such consent, and the fines this would then generate.

Updated by the Alcester Town Council Planning Committee 24/08/2015

Adopted by Alcester Town Council on 01/04/2014



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## Traffic Island Signage guidelines

1. Those applying for a Market Application must specify on their application form the need for the use of the signs.
2. Where applicable a fee may be incurred and added to the Market Licence invoice.
3. Design of the sign must be approved by the Communication Committee of ATC, therefore needs to be received by the Town Clerk *at least two months* prior to the event.
4. The sign will be a maximum size of 1500x400mm to be fixed onto the posts below the existing signs.
5. A back board can be supplied should the applicant wish to supply a temporary adhesive sign to apply, alternatively measurements and details of fixtures can be supplied should the applicant wish to manufacture their own signs.

Fig. 1 – A draft example of Event signage for the Island.



Overall Size: 1500mm x 500mm  
Sponsors Panel: 1500mm x 400mm