



# 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** market events being held within its area.

Market events which do not require a licence will not be charged a Market Licence fee but are expected to comply with the Food Act 1984 and include:

- 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 (eg School Fayre)

**ALL OTHER MARKET EVENTS REQUIRE A LICENCE AND A FEE WILL BE LEVIED.**

### What the applicant must do:

1. Complete an appropriate Market Licence form available to download from the Alcester Town Council [website](http://www.alcester-tc.gov.uk) or collect in person from the Town Council offices open Monday- Fridays 9am-1pm.
2. Demonstrate the organiser is 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 Licence this can be obtained from Stratford-on-Avon District Council and must be applied for **AFTER** a Market Licence is granted. Road Closure Licences require 12 weeks notice, so this would mean applying for the Market Licence 18 weeks in advance of the date of the market.
4. The sale of alcohol to any person is a licensable activity, subject to certain exceptions. Where a Licence is required, please contact the Licensing department at Stratford-on-Avon District Council on 01789 267575. This must be done before the date of the market and evidence produced on request.
5. Where planning permission is required, please contact the Planning Department at Stratford-on-Avon District Council on 01789 267575.
6. Pay the appropriate Market Licence fee as soon as possible following approval by Alcester Town Council, based on the type, frequency and number of stalls at the market (please see the application form). A licence will be issued once payment has been received.
7. Comply with **all** the conditions within this document

### What the Town Council will do:

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



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### **Other information**

- All applications for market events should be made to Vanessa Lowe, Clerk to Alcester Town Council, Globe House, Priory Road, Alcester, B49 5DZ.  
Email: [clerk@alcester-tc.gov.uk](mailto:clerk@alcester-tc.gov.uk)
- Markets Licensing Policy and application forms are available from the Town Council website: <https://www.alcester-tc.gov.uk/>
- A recurring event requiring a licence, will need to be renewed and paid for annually



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## **Alcester Town Council Markets Licensing Policy**

### **1. Introduction**

The Council recognises the importance of markets in the local economy and their contribution to the character of the area.

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

The Council's consent to a market event must be given before the market takes place. Markets will only be licensed once an application for a markets licence has been approved and payment received. Any market that takes place without such a licence is in breach of the Council's Markets Policy.

Any fees charged by the Town Council are to cover administration costs and contribute to parish-wide support and promotion of Alcester as a market town.

### **2. What is a market event?**

The Council's Markets Policy is intended to cover all market events held within the town of Alcester. In order that potential market operators are fully aware of the Council's definition of a market the following guidelines are provided:

- 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)
- A market will comprise not less than five stalls, stands, vehicles, whether moveable or not or pitches from which articles are sold.
- There will be an operator of the market who will be responsible for the organisation and delivery of the event.
- The term "market event" includes car boot sales, antique and craft markets, general markets, farmers' markets and charity markets.
- A market may sometimes be held as an integral part of a special event and where this arises the market element will fall within the Council's Markets Policy.

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

A single Market Licence 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



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The Council's Markets Policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element (see Section 3 below).

This Markets Policy does not cover street trading activities. Where this is the case the Stratford on Avon District Council's Licensing section should be consulted.

### 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 attract a lower licence 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.

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 licence 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 frequency of the market.
- Details of the type of goods to be sold on the market should be approved by the Council
- 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 (Non-commercial)

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. Whilst 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



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- 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 frequency of the market.
- The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety and health standards.

### c. Charitable markets (Non-commercial)

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 but may be exempt from fees.

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

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

## 4. Other approvals

*Issuance of a licence does not remove the requirement for other relevant approvals or licences 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 for 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



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- 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 as to whether it will grant an application.

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 may result in legal action being taken against the applicant.

The Market Licence 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 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 and payment of the licence fee by the operator, the Council will then notify the applicant in writing with a Notice of Decision (licence). 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.

### **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, the Planning Committee, will continue to evaluate the policy for fitness and has the authority to amend and update it as required.





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### 9. 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 by the consent holder 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. Toilet 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 Stratford on Avon District Council
7. The consent holder is responsible for ensuring all stalls selling hot and cold food adhere to strict food hygiene regulations under the Food Safety Act 1990 and 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 areas are provided throughout the market site. 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. Posters, signs, banners, postcards, fliers and A-boards must be displayed in accordance with [guidance](#) provided by Stratford on Avon District Council



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(<https://www.stratford.gov.uk/doc/206365/name/Guidance%20for%20posting%20promotional%20material%20Guide%20.pdf/>).

16. 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.
17. The consent holder should ensure that emergency vehicles can have access through the site if necessary.
18. 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.
19. 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.
20. 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.

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Approved by Full Council 12 April 2022

To be reviewed April 2024