

## **Trafford Council Markets Policy adopted June 2015**

### **1. Introduction**

- 1.1 Trafford is a popular borough for hosting events, fairs, festivals and markets with an increasing number of applications coming into the Council.
- 1.2 The purpose of this policy is to set out Trafford Council's position in relation to any application to hold a market and for other events, fairs and festivals where they include a trading element whether it is proposed to hold these on Council land, such as parks and public highways or on private land. This policy aims to provide clarity and guidance for the applicant so they can submit an informed application through the right channel.

### **2. Application of this Policy**

- 2.1 Market(s) are classed as a gathering of five or more buyers and sellers. It may be held on one occasion or may occur on a regular basis (more than twice annually) and may take place over one or more days or part days. Markets also includes car boot sales. If less than five stalls are proposed to be permitted it will not require a licence as a market.
- 2.2 Many events such as fairs, festivals, whether they are community, commercial or charity events may have a number of trading stalls and will therefore require approval for the trading element as a 'market'.
- 2.3 Events taking place on Council land require the Council's prior approval as landowner. There is a separate application process for such approval.
- 2.4 In addition, other consents and licences may be required and it is the applicant's responsibility to ensure that they obtain all necessary approvals for the event.
- 2.5 Markets that do not take place on Council land are still subject to a licence. Markets held solely for charitable purposes or not for profit community events, will be exempt from any charges associated with the application, but will still require a licence.

### **3. Altrincham Market Charter**

- 3.1 The Council enjoys the benefit of the right to operate, licence and if necessary protect through legal action its markets from 'disturbance' by rival markets set up within a 6 and 2/3 mile radius of Altrincham market. The map at the end of this document shows the Trafford boundary and the area within 6 and 2/3<sup>rd</sup> miles of Altrincham Market.
- 3.2 The right to hold markets in the town of Altrincham was originally granted by Royal Charter from King Edward I in 1290. The Council's market rights were acquired by Deed from the successors in title to the Lords of the Manor to whom the original charter was granted. The charter allowed markets to be held in the town on a Tuesday in each week.

3.3 In addition to the Council's historic market rights the Council has certain statutory rights under Part III of the Food Act 1984. Amongst other things this means that the Council is not limited by the terms of the Charter as to when markets may be held and it allows the Council to decide for itself the days and places of the markets held throughout Trafford.

3.4 Currently there are three markets operated in Altrincham under the control of or with the consent of the Council:

A street market, known as **New Market Square**, held on Council owned land in Central Way and held on Tuesdays, Thursdays, Fridays, Saturdays and Sundays.

**The Market Hall**, a covered market, held on the Council owned land adjacent to the Market House in Greenwood Street and held on Tuesdays, Thursdays, Fridays, Saturdays and Sundays.

The **Market House**, an in-door market of food and drink providers, held in the Council owned Market House on Greenwood Street on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays and Sundays.

**These three markets are operated under lease from Trafford Council, by Market Operations.**

3.5 The Charter Rights and statutory rights adopted by the Council give it the power to stop markets from operating anywhere within a radius of six and two thirds of a mile from any location on which Altrincham Market operates and to require anyone wishing to hold a market anywhere in Trafford to obtain a licence for the market from the Council.

3.6 In order to protect the existing market rights the Council will consider all market applications (whether commercial or as part of an event).

3.7 In addition, there are currently regular markets held in Urmston and Partington and occasional markets held in Sale and Ashton-upon-Mersey.

#### **4. Application for a 'market' as part of an event**

4.1 Each year the Council receives in excess of 150 requests to hold Events on Council owned land such as parks, green spaces and the public highway, such as community fun days, fun-fairs, sports days and mass participation picnics, and for cultural, music and food festivals.

4.2 Some of these events take place annually, are free to all to enter and add vibrancy to the local community. Income generated by selling space for trading stalls at the event, by the event organisers is used to cover the delivery of the wider event with any profits being given to charity or a not-for profit organisation. They require the prior approval of the Council in order to allow them to take place and may require a 'market' licence for the stalls.

- 4.3 Sometimes the Council also allows commercial events to take place on its land such as concerts and other profit making events. These events also require Council approval and are they are subject to payment of a licence fee to the Council. They may also require a 'market' licence for the stalls.
- 4.4 Applicants for all events must also follow strict guidelines for food vendors and have appropriate insurance in place for their event.
- 4.5 Some individual stalls and vendors might also be liable for other fees depending on the nature of their operation.
- 4.6 All event organisers applying to the Council must ensure they abide by all legal and health and safety requirements in relation to their Event and must have public liability insurance and all other necessary approvals or licences in place.
- 4.7 There are no restrictions on the day of the week these events take place as long as the trading stalls are not the principal attraction of the event. This will be considered at application stage. Those events where the trading stalls are the principal attraction are subject to additional restrictions.
- 4.8 Events taking place on private land and premises do not need to apply to the Council for approval however a 'market(s) licence' and other statutory approvals/licences may still be required.

**4.9 How to apply for permission to hold a 'market' as part of an event:**

Details of the application process can be obtained from:

Events Team  
Trafford Council  
Trafford Town Hall  
Talbot Road,  
Stretford,  
Trafford,  
Manchester  
M32 0TH  
Tel: 0161 912 2000

Email [events@trafford.gov.uk](mailto:events@trafford.gov.uk)

Web: <http://www.trafford.gov.uk/residents/community/partnerships-and-communities/corporate-and-community-events.aspx>

Further details of the approval process are set out in paragraph 6.

**5. Market applications**

- 5.1 Trafford is a vibrant borough and welcomes applications for market activities which increase footfall in our town centres; support local businesses, enhance Trafford's visitor offer and promote enjoyment for the local community.

- 5.2 However, anyone wishing to hold a market (including car boot sales) within a radius of 6 and 2/3rds of a mile of Altrincham Market must provide the Council with at least 28 days' advance notice and will require a licence for the market even if it is a single event. Anyone wishing to operate or permit such a market who fails to provide the required notice will be guilty of an offence and may be liable to prosecution.
- 5.3 The Council holds the absolute right to decline applications for markets and car boot sales taking place on private land. Likewise, should a non-approved market be set up, the Council upholds the right to stop the market from trading.

#### **5.4 What will be considered?**

Applications for market licences are required to meet the following criteria:

- Market(s) will generally only be considered if proposed to be held on Sundays and Mondays. This is to protect the historic market Charter for Altrincham Market and other rights adopted by the Council;
- Markets may be considered on other days of the week if the market application is considered not to be in direct competition with Altrincham Market. For example a special interest/themed market selling one type of goods (i.e vintage car market, stamp fair or coins) may be considered acceptable even if held on other days;
- Consent will not be given where there is already another market operating in the same vicinity and in the same timeframe as that proposed by the applicant;
- The application may be refused if there are already a number of competing events / festivals/ markets approved on the proposed dates;
- Each application will be considered on its merits and no one operator will have precedence over any other;
- No more than six consecutive markets (within an agreed timeframe) will be approved at any one time. For example, there might be a single application to hold six monthly markets in one location between June and December ;
- If for any reason a market does not take place or is cancelled on more than two occasions in the agreed/approved period of time, the Council has the right to withdraw the license and may approve another application in its place. In such cases the operator will be notified in writing;
- Any change to the proposed dates and times of operation for the market requires express written approval of the Council before such changes can be made.

## 5.5 Approval process

A written application is required at least 8 weeks prior to the first market taking place. As well as the above requirements, the following considerations will be taken into account and the applicant, as a minimum, must address the following in their application:

- Whether the market has support from local traders operating in the vicinity of the proposed location. Evidence must be provided within the application demonstrating appropriate consultation with local traders. Applications will not be considered if more than 50 per cent of consulted existing traders disagree with the proposal. The Council might ask for further evidence as to potential impacts of the market on local traders throughout the application process;
- Access and egress plans for the proposed market, parking arrangements and public transport availability/proposals;
- Plans for the disposal of refuse and for leaving the site in a clean, tidy and undamaged condition.
- Appropriate proposals of how the market will support local and existing traders operating in the vicinity of the proposed market as well as plans for monitoring this. The Council might ask, at any time, for further evidence throughout the application process;
- The proposal should include details of any consultation which has taken place with local residents and how the applicant will limit and control any potential disruption to residents in the vicinity of the proposed market;
- Details of how the event will add value i.e how will the event increase trading / footfall in the particular town or more widely in Trafford as well as plans for monitoring this. The Council might ask, at any time, for further evidence throughout the application process;
- The proposal should demonstrate how the proposed market traders will offer different and unique goods to other traders in the vicinity of the proposed market ensuring existing local business will not be adversely affected by direct competition;
- The proposed market must satisfy all other requirements for running a suitable and safe event including having appropriate insurances in place and meeting all legal requirements. This will be determined through the application process. Only food traders that are registered with Trafford Council Environmental Health Service or with the local authority where they are based will be allowed to trade on the market.

## 5.6 Street Trading Licenses

If trading on the public highway, as part of a market, Street Trading Licenses are not required. Fees are payable to the Council for such events.

If not part of the market, proposed street traders should visit <http://www.trafford.gov.uk/business/licenses-and-permits/a-to-z/street-trading-licence.aspx> for details.

## 5.7 Road closures

To find out more about how to obtain a road closure, visit <http://www.trafford.gov.uk/residents/transport-and-streets/roads-highways-and-pavements/docs/request-for-temporary-traffic-regulation-order.pdf>

## 5.8 How to apply for a market

Details of the application process and fees, contact:

Head of Communications  
Trafford Council  
Trafford Town Hall  
Talbot Road,  
Stretford,  
Trafford,  
Manchester  
M32 0<sup>TH</sup>  
0161 912 4502

## 6. Who will decide on the application for a 'market' as part of an event or a Market?

### 6.1 Stage 1 (response to applicant within 6 weeks of initial application):

Applications must be received at least 8 weeks before the proposed date of the event/Market.

The Council will consult with the following departments. A decision will be determined subject to agreement from all consultees:

- Property and Development
- Licencing/Street Trading
- Events
- Economic Growth
- Environmental Health
- Traffic / Highways management
- Parking services

The Council may where appropriate also consult with or require you to provide evidence of adequate consultation with the police and other emergency services.

### 6.2 Stage 2 (must be satisfied before consent given):

The event/market might be agreed in principal in stage 1 however further requirements might be imposed by the reviewing officers before the application is fully approved. This may include, for example, a requirement for further licences to be obtained or for wider consultation to be carried out.

## **7. Publicity / Marketing**

- 7.1 The event / market must not be promoted until approved consent has been given by the Council. The aim is to determine applications as soon as possible however applicants made 8 weeks before the proposed first date, may not receive a decision in principle until 14 working days before the event takes place and you should bear this in mind when making your application and ensure that you allow sufficient time for approval when considering publicity arrangements for the event/market.
- 7.2 Any reference to the Council in publicity must be cleared before publication by emailing details to [communications@trafford.gov.uk](mailto:communications@trafford.gov.uk)

## **8. Fees**

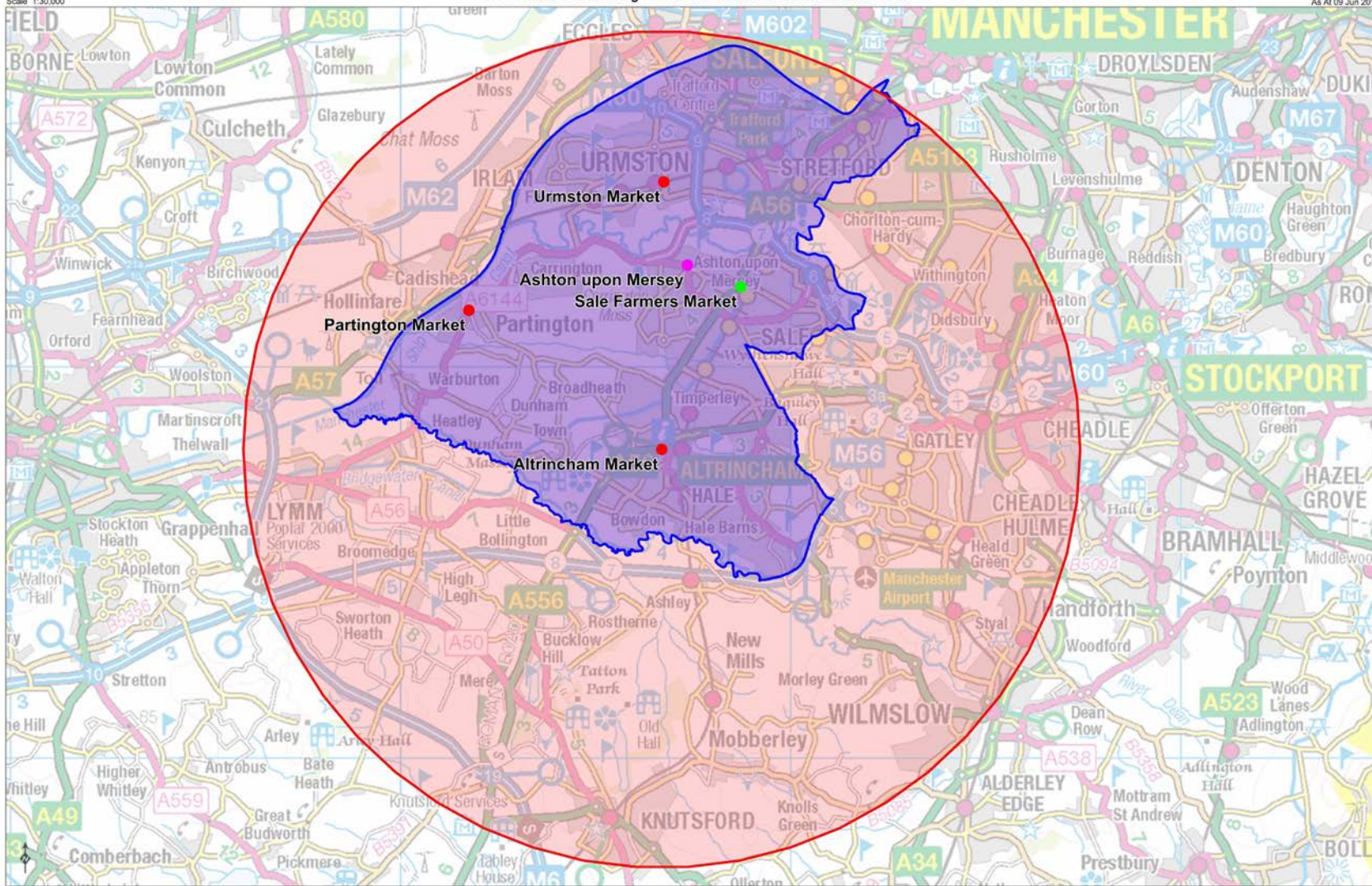
- 8.1 A range of published fees apply to both event and market applications. These can be found on the Market application form.  
<http://www.trafford.gov.uk/residents/events/Markets-in-Trafford.aspx>



Trafford Markets Showing 6 2/3rds Mile Radius from Altrincham Market

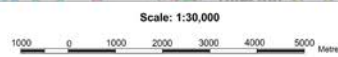
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As At 09 Jun 2015



**Legend**

- Trafford Markets
- Trafford Market - Held 4 Times per Year
- Trafford Market - Held 2 Times per Year
- Trafford Boundary
- 6 2/3rds Mile Radius from Altrincham Market



Trafford Markets, Showing 6 2/3rds Mile Radius from Altrincham Market.  
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