

ITEM NO: 10

Report To:	EXECUTIVE CABINET
Date:	26 August 2015
Executive Member/Reporting Officer:	Councillor John Taylor – Deputy Executive Leader Ian Saxon – Assistant Executive Director (Environmental Services)
Subject:	MARKET POLICY
Report Summary:	<p>The report outlines a proposed Market policy covering :-</p> <ul style="list-style-type: none">• Provisions that are available to the Local Authority for the creation of a lawful market• Powers that are available for maintaining operational control, order and public safety on markets that take place within the borough are• Procedures for monitoring trader compliance and detailing non-compliance are available• Definitions of Market Franchise Rights, what constitutes a Rival Market and the disturbance of Market Rights
Recommendations:	Recommend approval of proposed Market Policy by the Executive Cabinet at its meeting in August.
Links To Community Strategy:	<p>The Market Policy is linked to promoting :-</p> <ul style="list-style-type: none">• A Prosperous Society• An Attractive Borough• A Safe Environment
Policy Implications:	New Policy for approval.
Financial Implications: (Authorised By Section 151 Officer)	There are no additional costs to the Council of adopting the Markets policy. The granting of a market licence will be cost neutral in that the income generated will offset the costs associated with the administration of each licence.
Legal Implications: (Authorised By The Borough Solicitor)	As this will be a Policy of the Council it must be determined by Cabinet/Council. It seeks to clarify and set out existing Council practice and ensure transparency and fairness. It will be necessary to ensure that any fees are competitive but also fully cover the cost of any licensing, administration and enforcement. The Supreme Court has recently clarified that enforcement costs are a legitimate cost, which can be recovered from licensees and not borne by the public generally. Any fees charged would be kept under review together with the legal position relating to markets. Any approval granted as Market Authority should be subject to confirmation that any necessary planning permission and licensing requirements have been obtained and observed.
Risk Management:	The Market Authority has responsibility to protect and maintain consumer confidence and /or public safety and ensure that relevant quality and standards are maintained.

Access To Information:

The background papers relating to this report can be inspected by contacting the report writer Ian Saxon (Assistant Executive Director Environmental Services :



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1. INTRODUCTION

- 1.1 This report provides background information in regard to the proposed adoption of a Tameside Markets Policy. A copy of the proposed Markets Policy is attached at **Appendix 1**.
- 1.2 Tameside has a rich heritage of markets and the economic, cultural and social benefits they bring should not be underestimated. They contribute to a mix of retail opportunities and offer an alternative to mainstream shopping options. This is particularly significant in a recession when markets offer employment and provide access to high quality affordable goods. The importance of our Markets and the significance they have to the economic wellbeing of the Borough has been recently recognised by the Association of British Market Authorities (NABMA) and has been a contributing factor in our recent national awards, The UK's Greenest Market 2013/14, The UK's Favourite Market 2014/15.
- 1.3 A recent report commissioned by NABMA included survey data and research from visits to Ashton Market and 5 others from around the country. A quote from the report "Of the 6 markets we surveyed Ashton comes out first or joint first against all factors and demonstrates its economic contribution to the town. It's a big market that opens 6 days a week, in turn generating more than 200 full time jobs, which also generates a spend in the local economy close to £30 million per year". This independent research along with our own knowledge of the value of our markets reinforces the need to ensure a quality market offer across the borough, whilst maintaining and protecting the rights of our own offer.
- 1.4 There is an increasing commercial interest in the use of markets as ways to generate income from all sectors of our community and it is important the Council can clearly demonstrate a fair, consistent, and transparent policy when dealing with such interest.
- 1.5 Maintaining public protection and shopper's confidence is a priority within the borough and it is important to note that the policy contains information, rules, regulations and elements of law which Tameside markets service already adheres to and implements but which currently exist in a plethora of separate documents and procedures. One of the main benefits of the policy is to consolidate this information together into one document that is transparent and clearly sets out what is required.

2.0 RIVAL MARKETS

- 2.1 Historically, Local Authorities have operated markets through various legal routes. The way this Council has done so is set out later,
- The importance of legal status cannot be over emphasised. If a market has been lawfully set up then several important rights are possessed by the market owner
- 2.2 According to historical references the rights to hold a market within the borough had been granted via Royal Charter to Sir John de Ashton in 1413. The Charter granted the operation of a Monday Market and a twice yearly fair may be held on the site currently occupied by the now famous, Ashton Market Hall. Subsequently, these rights were extended by Local Acts of Parliament such as the Stalybridge Police and Market Act 1828 and the Ashton under Lyne Improvement Act 1849. These were repealed and replaced by Part XIV of the Greater Manchester Act 1981 that provided that the Council had the powers under, what is now, Part III of the Food Act 1984, to hold markets within its area and the right to licence and control the frequency of markets within its borough. In addition the Council has adopted Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 that requires any person intending to hold a temporary market to notify the Council in advance, so that if appropriate the Council can take steps to remove the permitted

development rights to hold such a market and require the operator to apply for planning permission to do so.

- 2.3 The market policy will set out the basis on which applications to hold a market will be dealt with by detailing licensing conditions and making clear the criteria to whether an event constitutes a market or not.

3.0 CONSULTATION

- 3.1 The Council has undertaken a range of consultation activities in relation to the market policy:-

An exercise was undertaken to discover how other Authorities approached the control/licensing of commercial and non-commercial operated events/markets within their areas. We discovered that generally three approaches were adopted.

Firstly, it was discovered that many operators did not allow a commercial operator to organise events that were considered to have “market” element, unless as part of a tendering process they had been approached to do so by the Authority i.e. Christmas Markets, Continental/International Markets etc. Non-commercial operators (community groups/charities) were restricted to either organising a limited number of car boot sales, or again on a limited basis allowed the use of a platform within the area of a market already established by the Council. This approach is how Calderdale and Sheffield Councils currently operate.

Secondly, some Authorities have identified the potential financial benefit in allowing commercial operators to organise a limited number of events within their area. However, each application is carefully considered against any impact the events may have against the Authorities own markets and surrounding retailers. This approach tends to be adopted by city/district operators who have an interest in establishing this type of event within areas of demand, but don't have the resources to provide them. Manchester, Bury, Liverpool and Birmingham currently operate this way with more operators considering the benefits of this approach. Controlling the amount of events is essential in encouraging other operators and in turn providing a varied events offer. Liverpool allows a commercial operator to organise a maximum 3 during any 12 month period, with Bury Council allowing two.

Thirdly, is an approach of having no stance. These Authorities do not regulate or attempt to control commercial or non-commercial operators who decide to hold markets/events of any type in their areas. This approach is not considered to be best practice and is normally found within areas where the Local Authorities don't themselves have established markets.

- 3.2 Tameside Citizens' Panel Spring 2014.** The survey was sent out to all resident members of the Tameside Metropolitan Borough Citizens' Panel. The table below provides the survey questions and responses.

“Tameside's Market Service is responsible for the licensing of markets throughout the borough and to also ensure that there is consistency in the way that markets are organised. In this context the Council is considering implementing a Markets Policy which sets out the basis upon which markets are held and the process by which applications for new markets will be considered. Here are a number of statements about Tameside Council's proposed Markets Policy. Please say how far you agree or disagree that the policy could.....”

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't Know
a) improve the way markets are managed and organised.	19.1%	43.2%	20.8%	2.5%	2.4%	12.1%
b) reinforce a consistent approach to the way markets operate in Tameside.	14.8%	51.5%	18.5%	2.6%	2.1%	10.5%
c) ...ensure the way decisions are made about new market applications are fair and transparent.	21.3%	47.1%	16.2%	2.2%	1.9%	11.4%
d) safeguard existing markets across Tameside.	30.2%	43.4%	11.0%	3.9%	3.1%	8.4%
e) ...improve the way in which markets contribute to the local economy.	24.8%	46.7%	13.6%	3.6%	2.6%	8.8%
f) improve customer protection and confidence by ensuring compliance with trading standards guidelines and health and safety requirements.	34.8%	43.7%	10.6%	1.6%	1.2%	8.1%

3.3 Further consultation was then sought via the Big Conversation. Analysis is based on 130 valid responses received to the consultation. The questions and responses were as follows:

Q1. Here are a number of statements about Tameside Council's proposed Markets Policy. Please say how far you agree or disagree that the policy could.....

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
a) ...improve the way markets are managed and organised.	23.3% (30)	17.1% (22)	4.7% (6)	22.5% (29)	32.6% (42)
b) ...reinforce a consistent approach to the way markets operate in Tameside.	21.3% (27)	22.0% (28)	13.4% (17)	14.2% (18)	29.1% (37)
c) ...ensure the way decisions are made about new market applications are fair and transparent.	34.9% (45)	14.0% (18)	8.5% (11)	14.0% (18)	28.7% (37)
d) ...safeguard existing markets across Tameside.	29.7% (38)	12.5% (16)	6.3% (8)	15.6% (20)	35.9% (46)
e) ...improve the way in which markets contribute to the local economy.	35.7% (46)	9.3% (12)	5.4% (7)	14.7% (19)	34.9% (45)
f) ...improve customer protection and confidence by ensuring compliance with trading standards guidelines and health and safety requirements.	29.7% (38)	21.1% (27)	22.7% (29)	6.3% (8)	20.3% (26)

3.4 The consultation was designed to elicit responses from as many relevant people as possible. We added an open question with the intension of obtaining a truer reflection of how the proposed policy was perceived. The question was 'Are there any other comments you wish to make on the proposed Markets Policy?' There were 111 responses to this

question following data cleansing. The intention of the policy was generally understood. The two obvious commercial operators welcomed the guidance and licensing aspect, but expressed disappointment at the limitation of events per operator.

- 3.5 Consultation was also sought with NABMA on the subject of Public Safety and it was confirmed that the market authority had a responsibility to maintain consumer confidence and/or public safety and to ensure that relevant quality and standards are maintained within its area. The authority must also provide the basis on which market applications will be dealt with. The introduction of a Market Policy would be considered good practice, providing a transparent and efficient way to do this. It is to be noted that the majority of Local Authority Market operators already have similar policies in place and we have discussed the issue with colleagues in other markets services.

4.0 THE IMPACT ON CHARITY/COMMUNITY GROUPS

- 4.1 The introduction of the Market Policy will enable charity/community groups to receive regulatory guidance from the Authority as well as establishing a line of communication with the Market Service, who can offer advice and share examples of good practise. The Market Service currently works in partnership with groups such as Town Teams, the NHS, the Royal British Legion and various other community/charity organisations who “bolt onto” our currently established markets/events. This type of partnership working will be encouraged further. An equality impact assessment is attached at **Appendix 2**.

5.0 PARTNERSHIPS

- 5.1 Tameside MBC Markets service are looking to extend our offer of specialist markets and events at venues all the across the Borough. Partnership operators will have to demonstrate a sound knowledge in their chosen field and be able to source and organise an exciting and varied array of traders. Examples of specialist market/events could include:-

Records/ Vinyl / Music
Art and Design
Antiques
Craft
Horticultural
Vehicles / Bikes / Spares
Fashion

We have recently undertaken some soft market testing in the way of expressions of interest to gauge interest from potential partners. We are currently moving towards a procurement exercise which should be finalised before the end of the calendar year.

6.0 RECOMMENDATION

- 6.1 As set out on the front of the report.

APPENDIX 1

MARKETS POLICY TAMESIDE MARKETS

1. INTRODUCTION

The Council recognises the importance of markets in the local economy and their contribution to the character of the area. They remain an important Council service and contribute in a number of ways to the local communities they serve.

The Council's markets are described in more detail in Section 2 of this policy and they represent an important investment by the Council in delivering economic regeneration and town centre vitality.

The Council is keen to maintain the balance of markets throughout its area and also ensure that there is consistency in the way that markets are organised. This markets policy sets out the basis upon which markets are held and the process by which applications for new markets will be considered.

The Council recognises that there are many different types of market activities **and this** policy adopted by the Council is intended to cater for each type of market. In particular, this 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 and the Council's approach in considering applications in respect of such markets.

In producing this policy the Council has taken the opportunity of consulting with the following organisations: NABMA (The National Association of British Market Authorities), the NMTF (National Market Traders Association) and other UK Local Authority Market Operators. In addition, the Council has consulted internally with the relevant Council sections responsible for licensing, economic regeneration, legal services and town centres operations.

The policy will be kept under review.

2. MARKETS

Tameside Council operates several markets, Ashton-Under-Lyne's indoor and outdoor Markets, Hyde's indoor & outdoor Markets and Stalybridge Farmers Market. The Council can also run any number of ad-hoc markets at locations across the Borough and establish new markets if it chooses to do so.

3. LEGISLATIVE POWERS HELD BY THE COUNCIL

According to historical references the rights to hold a market within the borough had been granted via Royal Charter to Sir John de Ashton on 13th Feb 1413. The Charter granted the operation of Monday Market and a twice yearly fair to be held on the site currently occupied by the now famous, Ashton Market Hall. Subsequently, these rights were extended by Local Acts of Parliament such as the Stalybridge Police and Market Act 1828 and the Ashton under Lyne Improvement Act 1849. These were repealed and replaced by Part XIV of the Greater Manchester Act 1981 that provided that the Council had the powers under, what is now, Part III of the Food Act 1984, to hold markets within its area and the right to licence and control the frequency of markets within its borough. In addition the Council has adopted Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 that requires any person intending to hold a temporary market to notify the Council in advance, so that if appropriate the Council can take steps to remove the permitted development rights to hold such a market and require the operator to apply for planning permission to do so.

This right has been exercisable for many years and this policy takes into account relevant UK and European legislation.

4. WHAT IS A MARKET EVENT?

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

- a) 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).
- b) A market will comprise not less than five stalls, stands, vehicles, whether moveable or not or pitches from which articles are sold.
- c) There will be an operator of the market who will be responsible for the organisation and delivery of the event.
- d) The term “market event” includes car boot sales, antique and craft markets, general markets, farmers' markets and charity markets.
- e) 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.

The Council's markets policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element.

This markets policy does not cover street trading activities. This activity is regulated by the Council's licensing section.

5. LICENSING OF MARKETS UNDER THE COUNCIL'S MARKETS POLICY

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. Any market that takes place without such a licence is in breach of the Council's markets policy and will be subject to enforcement action as described in Section 10.

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

- i) Commercial markets
- ii) Markets with a strong charitable/community element

The criteria set out in Section 4 will be relevant in respect of both categories of market event.

i) 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:

- a) No market will be authorised to take place within the borough of Tameside unless it can be demonstrated that the new market will not undermine the existing markets and not prejudice

the overall market offer.

- b) 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.
- c) A fee will be charged for any application to the Council, and a further fee charged to successful applicants. The fee will be based on the size and frequency of the market. Please refer to Section 8 in respect of fees.
- d) The goods to be sold on the market will be approved by the Council.
- e) 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.
- f) The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

ii) Markets With A Strong Charitable/Community Element

Some 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 such market events having regard to the following requirements:

- a) The markets must be operated on a non-profit making basis to assist a charity/community, 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.
- b) 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.
- c) 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.
- d) The Council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.
- e) The operator must hold adequate proof that the charity they represent is registered with the Charity Commission, and also provide written permission from the charity organisation to raise funds on their behalf.

6. HOW TO APPLY

The application form to hold a market in respect of both, commercial markets and charity/community-based markets can be requested from the Markets Manager at:

The Markets Manager
Ashton Market Hall
Bow Street
Ashton under Lyne
OL6 6BZ

Or via the Councils website at: <http://www.tameside.gov.uk/markets>

The application process will consider such matters as (but not limited to):

- Has an adequate Event Management Plan been completed with the inclusion of any relevant Risk Assessments?
- Has the operator held other events within the borough, if so how many and at what frequency?
- Has proof of any insurances/licences been provided? Including adequate Public and Employers Liability cover?
- Has permission been granted by the venue/land owner?

The Council will aim to deal with applications for a markets licence within a period of twenty eight days from receipt of all the necessary information. Please note the separate requirement for notice under s37 Local Government (Miscellaneous Provisions) Act 1982; 10 below. An operator of a market event is therefore urged to return the 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.

If the Council refuses an application it will set out the reasons for its decision. If the applicant wishes to appeal the decision then any appeal must be submitted within fourteen days of the Council's written decision, refer to section 7 in respect of the appeals procedure.

7. APPEALS PROCEDURE

An applicant can appeal in writing against refusal, with supporting reasons, to the Assistant Director - Environmental Services. If the appeal is not resolved at this stage, the applicant will be referred to the Council's Corporate Complaints Procedure.

8. FEES

A reasonable administrative fee will be charged for applications. The Fee takes into consideration the time and cost to the Council of considering the application. If successful, there will be an additional administration fee for the processing of a license and regularly scheduled compliance visits. The Fee Scale can be obtained upon request at

The Markets Manager
Ashton Market Hall
Bow Street
Ashton under Lyne
OL6 6BZ

Or via the Council's website at: <http://www.tameside.gov.uk/markets>

9. OTHER APPROVALS

It is important to emphasise that any approval given by the Council in respect of its market policy does not remove the requirement for other relevant approvals to be obtained. In particular the operator of a market should ensure that where the market is being held on private land, the approval of the landowner is obtained.

Planning permission might also be required and any market operator should consult with the Council's Planning Department to ascertain whether any planning considerations are relevant.

Attention is also 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 in respect of the sale of hot food or alcohol.

A market licence does not constitute approval under any other statutory regime or remove the need for planning permission for the event.

10. SECTION 37 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Tameside Council has approved the adoption of Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.

This Section deals with temporary markets and any operator of a temporary market, together with the occupier of land on which the market is to be held, are required to give to the Council not less than one month's notice of the holding of the market.

Any notice given by the operator and the occupier of the land shall state:

- i) The full name and address of the person intending to hold the market.
- ii) The day or days on which it is proposed that the market will be held and its proposed opening and closing times.
- iii) The site on which it is proposed that the market will be held.
- iv) The full name and address of the occupier of the land if he is not the person intending to hold the market.

It is important to emphasise that the requirements of Section 37 are quite separate to the licensing of events under the Council's Markets Policy set out in Section 5. The operator and the occupier of the land should ensure that a notice is given to the Council under the requirements of Section 37 as soon as proposals for a temporary market are under consideration. This will enable the Council to give preliminary consideration to a proposal and indicate its likely view on a subsequent application for a markets licence.

Failure to give a notice under Section 37 is a criminal offence and liable to a summary conviction in the Magistrates' Court

11. ENFORCEMENT

The Council will monitor the application of its markets policy and any market event which is established will be subject to the Council's requirements.

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 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 license granted by the Council will run the risk of the license 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 licenses submitted by the operator concerned, or any persons or organisation associated with the operator.

12. PARTNERSHIPS

12.1 Tameside MBC Markets service will work with partners to extend our offer of specialist markets and events at venues all the across the Borough. Partnership operators will have to demonstrate a sound knowledge in their chosen field, and be able to source and organise an exciting and varied array of traders. Examples of specialist market/events could include:-

Records / Vinyl / Music
Art and Design
Antiques
Craft
Horticultural
Vehicles / Bikes / Spares
Fashion

APPENDIX 2

EQUALITY IMPACT ASSEMENT

Subject	Market Policy	
Service / Business Unit	Service Area	Directorate
Markets	Environmental Services	Place
EIA Start Date (Actual)	EIA Completion Date (Expected)	Completion Date (Actual)
July 2015	August 2015	<i>To be completed by Corporate Performance</i>

Lead Contact / Officer Responsible	Nicola Martin
Service Unit Manager Responsible	Alison Lloyd Walsh

EIA Group (lead contact first)	Job title	Service
Nicola Martin	Environmental Services Manager - Markets	Environmental Services
Alison Lloyd Walsh	Head of Environmental Development	Environmental Services
Steve Hadfield	Market Officer	Environmental Services

SUMMARY BOX
<p>Tameside has a rich heritage of markets and the economic, cultural and social benefits they bring should not be underestimated. They contribute to a mix of retail opportunities and offer an alternative to mainstream shopping options. This is particularly significant in a recession when markets offer employment and provide access to high quality affordable goods. A recent report commissioned by NABMA included survey data and research from visits to Ashton Market and 5 others from around the country. A quote from the report “Of the 6 markets we surveyed Ashton comes out first or joint first against all factors and demonstrates its economic contribution to the town. It’s a big market that opens 6 days a week, in turn generating more than 200 full time jobs, which also generates a spend in the local economy close to £30 million per year“. This independent research along with our own knowledge of the value of our markets reinforces the need to ensure a quality market offer across the borough, whilst maintaining and protecting the rights of our own offer.</p> <p>The introduction of the Market Policy will set out the basis on which applications to hold a market will be dealt with by detailing licensing conditions and making clear the criteria to whether an event constitutes a market or not.</p> <p>Maintaining public protection and shopper’s confidence is a priority within the borough and it is important to note that the Policy contains information, rules, regulations and elements of law which Tameside Markets service already adheres to and implements but which currently exist in a plethora of separate documents and procedures. One of the main benefits of the Policy is to consolidate this information together into one document that is transparent and clearly sets out what is required.</p> <p>To further enhance our relationship with non-commercial operators i.e. community/charity groups and Town Teams, the Market Policy will enable charity/community groups to receive regulatory guidance from the Authority as well as establishing a line of communication with the Market Service, who can offer advice and share examples of good practice.</p> <p>It is anticipated that the Policy will have positive impact the boroughs residents and visitors as it will encourage a more varied and well organised event calendar.</p>

Section 1 - Background

BACKGROUND

Within the Markets industry it is considered good practice to have a robust and transparent Market Policy. Across the Borough we are seeing a significant increase in the demand from potential operators in wanting to implement and establish market events, or events which have a “market” element. In view of maintaining public protection and shoppers confidence, the Policy brings together legislative guidance and provides a structured applications process.

The market policy will set out the basis on which applications to hold a market will be dealt with by detailing licensing conditions and making clear the criteria to whether an event constitutes a market or not. The application process will consider such matters as (but not limited to):

- Has an adequate Event Management Plan been completed with the inclusion of any relevant Risk Assessments?
- Has the operator held other events within the borough, if so how many and at what frequency?
- Has proof of any insurances/licences been provided? Including adequate Public and Employers Liability cover?
- Has permission been granted by the venue/land owner?

The Local Authority appreciates the demand for temporary specialist events within the borough and will consider applications from both commercial and non-operational operators. Tameside’s Market Service is also looking to establish partnerships with event operators who have experiences in organising specialised events/markets. Event operators will have a sound knowledge in their chosen field, and be able to source and organise an exciting and varied array of traders. The partnership arrangement will enable us to manage the frequency of such events in consideration of the impact they will have on our own interests and existing businesses that operate within the vicinity.

We believe that the introduction of the Policy will have a positive effect on the borough as residents and visitors will be able to attend well organised and varied events.

Section 2 – Issues to consider & evidence base

ISSUES TO CONSIDER

The Council has undertaken a range of consultation and research activity in relation to the market policy to help determine if the introduction of the policy will have an impact on a particular group of residents.

An exercise was undertaken to discover how other Authorities approached the control/licensing of commercial and non-commercial operated events/markets within their areas. We discovered that generally three approaches were adopted.

Firstly, it was discovered that many operators did not allow a commercial operator to organise events that were considered to have “market” element, unless as part of a tendering process they had been approached to do so by the Authority i.e. Christmas Markets, Continental/International Markets etc. Non-commercial operators (community groups/charities) were restricted to either organising a limited number of car boot sales, or again on a limited basis allowed the use of a platform within the area of a market already established by the Council. This approach is how Calderdale and Sheffield Councils currently operate.

Secondly, is an approach of having no stance. These Authorities do not regulate or attempt to control commercial or non-commercial operators who decide to hold markets/events of any type in their areas. This approach is considered bad practice and is normally found within areas where the Local Authorities don’t themselves have established markets. Thirdly, some Authorities have identified the potential financial benefit in allowing commercial operators to organise a limited number of events within their area. However, each application is carefully considered against any

impact the events may have against the Authorities own markets and surrounding retailers. This approach tends to be adopted by city/district operators who have an interest in establishing this type of event within areas of demand, but don't have the resources to provide them. Manchester, Bury, Liverpool and Birmingham currently operate this way with more operators considering the benefits of this approach. Controlling the amount of events is essential in encouraging other operators and in turn providing a varied events offer. Some operators have chosen to provide a cap on the number of events they are willing to permit others consider frequency as part of the approval process.

The following table details the number of markets permitted by the Local Authorities we researched.

Local Authority	Number of Markets permitted within a 12 month period
Manchester	N/A
Bury	2
Liverpool	3
Birmingham	N/A
Calderdale	0
Sheffield	0

Consultation has also been undertaken with residents as part of the Tameside Citizens' Panel Spring 2014. The survey was sent out to all resident members of the Tameside Metropolitan Borough Citizens' Panel. 2099 residents were on panel at the time of survey. The table below outlines the questions and responses.

"Tameside's Market Service is responsible for the licensing of markets throughout the borough and to also ensure that there is consistency in the way that markets are organised. In this context the Council is considering implementing a Markets Policy which sets out the basis upon which markets are held and the process by which applications for new markets will be considered. Here are a number of statements about Tameside Council's proposed Markets Policy. Please say how far you agree or disagree that the policy could....."

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't Know
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b) reinforce a consistent approach to the way markets operate in Tameside.	14.8%	51.5%	18.5%	2.6%	2.1%	10.5%
c) ...ensure the way decisions are made about new market applications are fair and transparent.	21.3%	47.1%	16.2%	2.2%	1.9%	11.4%
d) safeguard existing markets across Tameside.	30.2%	43.4%	11.0%	3.9%	3.1%	8.4%
e) ...improve the way in which markets contribute to the local economy.	24.8%	46.7%	13.6%	3.6%	2.6%	8.8%
f) improve customer protection and confidence by ensuring compliance with trading standards guidelines and health and safety requirements.	34.8%	43.7%	10.6%	1.6%	1.2%	8.1%

Further consultation was also sought via the Big Conversation. This took place between 19 December 2014 and 30 January 2015. Consulting via the Big Conversation ensured that all Tameside residents and interested parties had an opportunity to respond. The questions took the

same format as those included in the Spring 2014 Citizens' Panel consultation. Analysis is based on 130 valid responses received to the consultation. The questions and responses were as follows:

Q1. Here are a number of statements about Tameside Council's proposed Markets Policy. Please say how far you agree or disagree that the policy could.....

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
a) ...improve the way markets are managed and organised.	23.3% (30)	17.1% (22)	4.7% (6)	22.5% (29)	32.6% (42)
b) ...reinforce a consistent approach to the way markets operate in Tameside.	21.3% (27)	22.0% (28)	13.4% (17)	14.2% (18)	29.1% (37)
c) ...ensure the way decisions are made about new market applications are fair and transparent.	34.9% (45)	14.0% (18)	8.5% (11)	14.0% (18)	28.7% (37)
d) ...safeguard existing markets across Tameside.	29.7% (38)	12.5% (16)	6.3% (8)	15.6% (20)	35.9% (46)
e) ...improve the way in which markets contribute to the local economy.	35.7% (46)	9.3% (12)	5.4% (7)	14.7% (19)	34.9% (45)
f) ...improve customer protection and confidence by ensuring compliance with trading standards guidelines and health and safety requirements.	29.7% (38)	21.1% (27)	22.7% (29)	6.3% (8)	20.3% (26)

The consultation was designed to elicit responses from as many relevant people as possible. We added an open question with the intension of obtaining a truer reflection of how the proposed policy was perceived. The question was 'Are there any other comments you wish to make on the proposed Markets Policy?' There were 111 responses to this question following data cleansing. The intention of the policy was generally understood. The two obvious commercial operators welcomed the guidance and licensing aspect, but expressed concern at the potential limitation of events per operator.

LIST OF EVIDENCE SOURCES

Over the past twelve months the Market Service has recognised the need to introduce a Market Policy and have used numerous sources when drafting the document.

- Current policies from other Local Authorities including Manchester, Trafford, Bury, Calderdale, Sheffield, Liverpool and Birmingham, Bradford and Leicester
- National Association of British Market Authorities best practice guidance documents
- National Association of British Market Authorities toolkit guide
- ROI report – Ashton-Under-Lyne Market – Supporting the Local Economy
- Tameside Citizens' Panel Spring 2014
- The Big Conversation

Section 3 – Impact

IMPACT

During the drafting of the policy and the completion of this EIA, we have not identified any issues which will have an adverse impact on any individuals or groups who will attend our market events or ones arranged by commercial operators or charities.

The policy will ensure that there are varied events across the borough. It is hoped that this will

increase specialised markets in areas, for example an Asian Market in Hyde which will attract residents from the BME community, markets attracting families and residents of a variety of ages; both younger and older. We want to ensure our markets are open to all residents and are a place where our communities can come together. We recognise the social cohesion value our markets offer, in addition to their commercial element.

As the Policy does not impact on the physical aspect of the markets accessibility will not be affected.

The needs of individuals will be considered when licensing all market events.

Section 4 – Proposals & Mitigation

PROPOSALS & MITIGATION

Maintaining public protection and shopper's confidence is a priority within the borough and it is important to note that the policy contains information, rules, regulations and elements of law which will ensure that any operator running a market within the borough adheres to set guidelines.

One of the main benefits of the policy is to consolidate information together into one document that is transparent and clearly sets out what is required from an operator.

Giving the Market Service the ability to licence market activity will ensure there is consistency in the way that markets are organised and help us keep a balanced and varied market offer across the Borough.

The introduction of the Market Policy will enable charity/community groups to receive regulatory guidance from the Authority as well as establishing a line of communication with the Market Service, who can offer advice and share examples of good practise. The Market Service currently works in partnership with groups such as Town Teams, the NHS, the Royal British Legion and various other community/charity organisations who "bolt onto" our currently established markets/events. This type of partnership working will be encouraged further.

Section 5 – Monitoring

MONITORING PROGRESS

Once the policy is in place the Environmental Services Manager – Markets will be responsible for agreeing to licence market events in a consistent way to ensure a balanced and varied market offer across the Borough.

Issue / Action	Lead officer	Timescale
Ensure any changes in legislation are updated within the policy.	Nicola Martin	On-going
Maintain a balanced market offer across the borough whilst protecting our own markets.	Nicola Martin	On-going
Maintain public protection at any event licensed through the policy.	Nicola Martin	On-going
Continue to monitor any impact on particular groups of residents accessing our markets and licensed events through customer feedback.	Nicola Martin	On-going

NB – The version sent to Corporate Performance should be the version agreed and signed off by the relevant Senior Manager.

Sign off

Signature of Service Unit Manager	Date
Signature of Assistant Executive Director	Date