

## Markets Policy

### 1. PURPOSE

The purpose of this document is to set out Trowbridge Town Council's ("the Council") policy with regard to markets, fairs, street trading and other associated activities in the Town.

### 2. AIM & OBJECTIVES

This policy will:

- Ensure officers, councillors, the public, and businesses are aware the provision of markets, fairs and street trading activities in Trowbridge and the Council's role in delivering and administering these activities and the Council's strategy and objectives.
- Deliver a service which enhances the Town Centre
- Provide Residents with access to a diverse range of products and activities
- Achieve this whilst balancing the needs and interests of each group
- Provide an understanding of issues arising from different rights and responsibilities
- Provide an understanding of the Food Act 1984 as it applies to the Council
- Provide an understanding of regulations relating to Health & Safety, Food Hygiene and Licensing

### 3. DEFINITION & SCOPE

The policy document provides information about the historical context of the establishment of Markets and similar activities in the town, the current situation, how the Council can deliver, influence and support such activities and what changes the Council would wish to see in the future. This document has been produced following advice received from the National Association of British Market Authorities (NABMA).

### 4. MARKETS INCLUDE

Traditional Markets	Arts and Craft Markets	Fairs
Farmers Markets	Car Boot Sales	Street Trading Consents
Foreign/Continental Markets	Christmas Markets	

The above is not a comprehensive list and any similar activities should not be excluded from consideration.

### 5. MONITORING & EVALUATION

The Council will consult with all those involved and review this policy every four years.

### 6. MARKETS AND FAIRS

#### 6.1 Historical Context

A Market Charter was granted to Trowbridge on 1 March 1200 by King John see Appendix 1. This allows for a market to be held each and every Tuesday and a three-day fair covering the days before, of and following St James' Day which is the 25 July.

It is assumed that over the years the charter and the rights were held by successive local authorities, such that on 13 April 1973 the then Trowbridge Urban District Council (TUDC) as operators of the Market in Market Street, between the Park and Castle Street transferred the land and some rights under a deed to Ernest Ireland Properties (EIP), who then built Castle Place Shopping Centre.

Under this deed they were granted rights to hold a market on Tuesday, Thursday and Saturday. In 1974 the Charter would have transferred from TUDC to the new West Wiltshire District Council (WWDC). On 14 October 1974 there was an additional deed between WWDC and EIP.

There were confusions arising from these two deeds vis a vis the actual market operation, such that on 1 June 1977 a further deed was agreed between WWDC and Norwich Union (successor owners to EIP). This had the effect of confirming a change of market operating days to Tuesday, Friday and Saturday.

It is clear that if WWDC felt that they were in a position to further clarify the arrangement in 1977 that they remained the charter holders and that only rights to hold a market were passed to EIP and nothing additional to that. It is also arguable if TUDC and WWDC had any authority to offer rights as such to hold a market on any day other than Tuesday. As there is no evidence of the Market Charter ever having been sold, the Market Charter must remain with the Wiltshire Council, the successor authority to WWDC.

Whilst the presence of a Market Charter restricts the operation of competing markets within  $6\frac{2}{3}$  miles, the Council has no knowledge of any restrictions being imposed on other markets or market activities including those operating in Bradford on Avon, Melksham and Westbury. The then owners did make complaints about Continental Markets provided in the town in conjunction with the Council, but they have never taken formal action. As holders of the Market Charter, Wiltshire Council is the only authority able to take legal action against competing markets.

## **6.2 Current Operation**

The market at Castle Place now operates six days per week and has done so for some time. The Council in the past has provided support and assistance to the market traders, for example to set up a traders' organisation.

The Council has been the organisers of or involved in the provision of a number of events and activities which could be construed as being markets and fairs:

- The May Fayre, held every year in Fore Street in conjunction with the Lions Club.
- The West Wilts Show, held biennially in the Park over three days at the end of July, organised by WWDC and latterly by Wessex Business Events, which the Council and other Town Councils contribute significantly to.
- Community Spotlight, held biennially in the Park and organised by the Council.
- A Farmers Market held twice a month on a Friday in Fore Street which does not pay any street trading fees.
- Occasional Continental markets held in Fore Street.
- A Christmas Market in conjunction with the Christmas Lights switch on event.
- Active Trowbridge Play Festival annually in the Park.

Other Organisations have also held events and activities which could be construed as markets or fairs:

- Wiltshire Armed Forces and Veterans Committee hold an annual two-day event in the Park
- A car boot sale held in the park annually by Trowbridge Carnival Committee
- Trowbridge Carnival held annually.
- Wiltshire Council (and for a time in partnership with the Town Team) operates a weekly outdoor market in Fore Street since March 2013 each Wednesday.

The Council has powers under the Food Act 1984 as amended by the Food Safety Act 1990 to establish a market within its area. It is arguable whether Wiltshire Council has the same powers, as the legislation (see Appendix 2) only includes District Councils, London Borough Councils and Parish Councils. (i.e. it does not specify County Councils – which legally WC is, nor Unitary Authorities).

## **7. STREET TRADING CONSENT**

Street Trading Consent is a licensing activity and is therefore the responsibility of Wiltshire Council. A number of traders are consented to operate in the town; these mainly operate in Fore Street, such as the hot food van and the flower seller, who appear regularly each week. A number of hot food vans also operate regularly during the evenings in Fore Street and other locations. The regulated area covers the whole town.

The Council has regularly raised concerns about authorising both existing and additional traders, but has been unable to stop consents in most cases. The Council will continue to seek changes to the current policy. Under current legislation the Council cannot take on Street Trading other than if acting under an agency agreement from Wiltshire Council.

## **8. POLICY STATEMENT**

Trowbridge Town Council will:

1. Continue to operate as a market authority, under the powers provided by the Food Act 1984 as amended by the Food Safety Act 1990.
2. Continue to support the existing market traders in Castle Place.
3. Continue to support Wiltshire Council to provide a weekly outdoor market.
4. Continue to promote the provision of themed markets if appropriate in the Town Centre, normally in association with other events and activities taking place in the town.
5. Continue to support the annual May Fair in conjunction with Trowbridge Lions Club.
6. Seek to clarify the responsibilities of Wiltshire Council with respect to the Market Charter, the grant of rights and the control of markets in the town and if appropriate seek to transfer the Market Charter and associated rights and responsibilities to the Town Council.
7. Maintain a dialogue with the owners of Castle Place with regard to the operation and future options for the market there.
8. Maintain a dialogue with existing shop based traders in the town centre and particularly Fore Street, both individually and through the Trowbridge Chamber of Commerce, regarding market activities in the town. And undertake assessment of the impact of street markets on their trade.
9. Seek to change the policy on Street Trading Consent to ensure that existing shopkeepers are protected from unfair competition, whilst maintaining the vibrancy and range of commercial activity in the town centre.
10. Continue in membership of the National Association of British Market Authorities.

### **Appendices**

<b>Appendix 1</b>	Market Charter
<b>Appendix 2</b>	Food Act 1984

**Lance Allan – Town Clerk & Proper Officer**

Signed :..... Date:.....

*This policy was approved at the meeting of the Policy & Resources Committee on 26<sup>th</sup> June 2018  
It will be reviewed and updated every four years, or more frequently if the size and nature of the Council changes.*

## **Appendix I - Market Charter**

The Trowbridge Market Charter of 1 March 1200 is only known to us from the 'office copy' kept on the Charter Roll in the royal Chancery and still forming part of the national archives. A copy sealed with the King's great seal would have been issued to Henry de Bohun to keep among his records to prove his right to hold the market and fair. This has not survived.

The etc. in the first line stands for John's other titles as Lord of Ireland, Duke of Normandy and Aquitaine and Count of Anjou, which would have been given in full on Henry's copy.

The full transcript is:

***John by grace of God King of England etc. Know that we have given and granted and by this present charter confirmed to Henry de Bohun that he may have a market for one day in each week, namely on Tuesday at Troubrig and that he may have a fair there lasting for three days, namely on the vigil of St. James the Apostle before August and on St. James's Day and on the morrow of the feast of St. James, unless it be to the damage of neighbouring markets and fairs. Wherefore we wish and firmly order that the said Henry and his heirs and after him may have and hold well and in peace the said market and fair with all liberties and free customs belonging to such a market and fair unless it be to the damage of neighbouring markets and fairs. Witnesses William Marshall, Earl of Pembroke, Robert de Turnham, William Breuer, Hugh Bardolf, William de Kantilup. Given by the hands of S. Archdeacon of Wells and John de Gray at Winchester, the first of March in the first year of our reign.***

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**Appendix 2 - Food Act 1984**

Food Act 1984 as amended by the Food Safety Act 1990 and others Part III Markets. Section 50 to 61.

Section 50 refers to the powers enjoyed by market authorities and section 61 defines those councils which are local authorities able to use those powers for the purposes of the Act.

**PART III MARKETS**

**50 Establishment or acquisition**

(1)[F1A local authority] may—

(a)establish a market within [F1their area];

(b)acquire by agreement (but not otherwise), either by purchase or on lease, the whole or any part of an existing market undertaking within [F1their area], and any rights enjoyed by any person within [F1their area] in respect of a market and of tolls,

and, in either case, may provide—

(i)a market place with convenient approaches to it;

(ii)a market house and other buildings convenient for the holding of a market.

(2)A market shall not be established in pursuance of this section so as to interfere with any rights, powers or privileges enjoyed within [F2the authority’s area] in respect of a market by any person, without that person’s consent.

[F3(3)For the purposes of subsection (2), a local authority shall not be regarded as enjoying any rights, powers or privileges within another local authority’s area by reason only of the fact that they maintain within their own area a market which has been established under paragraph (a) of subsection (1) or under the corresponding provision of any earlier enactment]

**Annotations:**

**Amendments (Textual)**

F1Words substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 2(1)

F2Words substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 2(2)

F3S. 50(3) substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 2(3)

**61 Interpretation of Part III, and exclusion of City of London**

In this Part, unless the context otherwise requires—

“authorised market officer” means an officer of a market authority specially authorised by them to collect charges in their market,

“charges” includes stallage or tolls,

[F1“fire authority” means an authority exercising the functions of a fire authority under the Fire Services Act 1947;

“food” has the same meaning as in the Food Safety Act 1990;

“local authority” means a district council, a London borough council or a parish [F2council but, in relation to Wales, means a county council, county borough council]or community council;

“market authority” means a local authority who maintain a market which has been established or acquired under section 50(1) or under the corresponding provisions of any earlier enactment.]

..... F3

**Annotations:**

**Amendments (Textual)**

F1Definitions substituted for “market authority” by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 11

F2Words in s. 61 inserted (1.4.1996) by 1994 c. 19, s. 22(3), Sch. 9 para. 14 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1

F3Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, 59(4), Sch. 2 para. 11, Sch.