

DUNSTABLE TOWN COUNCIL MARKET RIGHTS POLICY

Background & Introduction

Dunstable Town Council manages Dunstable Market.

The legal definition of a market, being “a concourse of buyers and sellers”, with five or more trading positions, shall apply when determining the nature of any given event. Any event deemed a market (private or charity), that is to fall within 6 2/3 miles of Dunstable Market, falls within the confines of this Market Rights Policy.

Managing Market Rights

Market Rights are used by Dunstable to manage the markets and fairs that take place within the town, to ensure that the retailing and entertainment environments are successful ones. This process involves the strategic planning of all markets that are to be licensed across the town, to avoid concentrating too many markets within a limited location which could lead to a lack of vitality and viability. Dunstable Town Council therefore reserve the right to refuse a licence within six and two third miles of an existing Licensed Market which operates on the same day.

Licensing Events

Irrespective of the location of the market or fair, any permission from either the owner of the land / premise, or planning consent that may have been approved, a separate Market Rights Licence is still required. Without this the market or fair cannot take place. Markets will only be licensed once an application for a Market Rights Licence has been successful. Any market that takes place without such a licence is in breach of the law and will be subject to legal action.

If the application is successful, a Market Rights Licence will be issued detailing the responsibilities of the both the operator and Dunstable Town Council, upon completion of which permission will be granted for the market to operate.

The licences available for issue depend upon the operational requirements. The licences available are:

- Single Market Licence (for an individual market or fair, including those operating over more than one consecutive day).
- Multiple Market Licence (for several individual markets or fairs within a year).

All licensed markets will be monitored and Council Officers may from time-to-time and without notice visit the market to ensure that all the operator’s commitments are being adhered to. Any breaches of, or deviations from, the Market Rights Licence may result in the removal of the Market Rights permission and the subsequent closure of the market.

The Dunstable Town Council Market Regulations comprehensively lay out the quality standards and aspirations that need to be met by any operator running a market operation. The approval of a Market Rights Licence is on the condition that these standards are adhered to and fulfilled. In addition, the operator will agree to the terms of the licence under Market Rights and to make all associated payments.

Dunstable Town Council will require the licensee to assume full responsibility for all operational aspects of the market or fair operation, including regulatory and legislative requirements such as health & safety management, site management and the relevant insurance(s) required for the market.

Application Process

Applications for a Market Rights Licence are available by post, on the Dunstable Town Council website (www.dunstable.gov.uk) or on request by email(Annette.clynes@dunstable.gov.uk). Applications should be submitted to Dunstable Town Council at least 21 days in advance of the proposed market. Dunstable Town Council will review all valid applications and appraise each, paying particular attention to:

- the type of market or fair and the commodities being offered for sale
- the purpose of the market or fair
- the length of the market or fair
- the number of individual trading spaces
- the number and type of markets or fairs operating within the locality
- the health & safety plans
- the required insurances
- compliance with the quality standards

Applications will not be valid where the required mandatory information, supporting documents or payments has not been provided, and / or where the application is delivered less than 21 days in advance of the market. Once a valid Market Rights Licence application is received, we will provide a conclusive decision within 14 days. Successful applicants will then be issued a Market Rights Licence to sign and return and make payment of the required licence payment by the prescribed deadline, prior to the commencement of the market or fair. Where the signed licence and / or payment is not received by the deadline, the licence will not be completed and the permission will not be granted.

Market Rights Licence Payments

All Market Rights Licences are subject to a payment, and licences will not be completed until the corresponding payment has been made as instructed. The payment will relate to the processing and issuance of documentation, and the monitoring of the Market Rights Policy and licence. Payments are required for all successful applications, and these must be made to Dunstable Town Council prior to the issue of the Market Rights Licence providing permission for the operation of the market or fair.

Administration Payment

Administration payments, relate to the issuance of documentation. The payment varies depending upon the type of licence agreement, either single or multiple. In addition, legal fees may also be passed to the applicant should there be a need to agree a more comprehensive legal agreement, in the case of multiple licence agreements.

Licence Payment

In addition to the above, a licence payment will be charged, based on the type of market being presented. A distinction will be made between car boot and tabletop sales, and all other markets and fairs, as explained below. A reduction to the licence payment may be applicable depending upon whether the market is part of a Local Authority Partnership, or where all the proceeds are being donated to a charity. Applicants must provide sufficient evidence to support any partnership agreement or charity donations. On occasions a market or fair may apply for and be licensed for a certain amount of trading spaces, but then may find that the actual event operates with more trading spaces than initially expected. In such circumstances Dunstable Town Council must be notified of this variation within seven days after the market or fair has taken place. You will then be required to pay any additional licence payment and will be issued with a confirmation of the variation to the licence.

Returned Payments

Cashless payments returned as unpaid for any reason (e.g. insufficient funds), will be subject to an administrative payment and an alternative payment method will need to be agreed with Dunstable Town Council.

Payment Refunds

Applicants may apply to cancel a Market Rights Licence, and will be applicable to a refund of the licence payment provided that written notice is received by at least seven days prior to the actual date of commencement of the proposed market or fair. Administration payments are not refundable. When cancelling a Market Rights Licence, all the necessary arrangements need to have been instigated to advise the general public of the cancellation of the market and evidence of which must accompany the written cancellation notice.

Type of Market or Fair

Car Boot and Tabletop Sales

Car boot sales and tabletop sales should be restricted, as far as possible, to householders selling surplus household articles. No new goods should be available for sale. The Council may request proof of goods being sold. The car boot and tabletop sale description will also cover events such as computer, records, toy and book fairs providing all other car boot and tabletop sale criteria are met.

Charity and Community Markets

Proof of non profit making other than funds to assist a charity or community event must be supplied if requested. Applications for a charity market must include the charity registration number. Dunstable Town Council may request proof of charitable status and charity accounts. A charity/community market may allow up to 50% of the traders to be professional. Anymore will be considered a commercial market.

All Other Markets

All other markets include both traditional and specialist markets. Traditional markets will be general retail markets where a variety of goods are available, including new items. This can include car boot and tabletop sales where the sellers are not householders selling surplus household items. Specialist Markets are those where there is a specialised theme or grouping of commodities that make the event more than either a car boot sale or traditional market e.g. Antique or Farmers' Market, and exhibitions where retailing is undertaken.

Permanent Markets and Attractions

Permanent Markets are those markets that wish to be open for the majority of shopping days throughout the year. Attractions include one off events where there is not a market but a separate type of attraction (such as a large ride) where there are not a number of trading positions available to meet the above guidance. Such events will not normally be issued with a typical Market Rights Licence, but instead will have a negotiated contract that meets the needs of the market as well as providing suitable remuneration for the provision of Market Rights. These agreements will provide a more realistic annual licence payment and can provide a more lengthy contractual term.

Non-compliance with this Policy

Any non-compliance will be raised in the first instance with the individual or organisation in order to try to negotiate an agreeable outcome. Should a suitable agreement not be found, Dunstable Town Council may take legal action against the individual or organisation in question. In addition, Dunstable Town Council reserves the right to refuse any future Market Rights Licences to events that are proposed by such individuals, businesses or organisations.

In any instance Dunstable Town Council reserves the right to withdraw a Market Rights Licence and the associated permission for any market operation to continue, as and when necessary.

Comments, compliments and complaints

Dunstable Town Council operates a comments, compliments and complaints procedure. If you wish to make a complaint about any Market Rights Licensing matters, you have the right to utilise this by contacting Dunstable Town Council (www.dunstable.gov.uk). Members of the public also have the right to use this process to comment on any market, fair or individual traders.

“Receipt of a written complaint will be acknowledged and recorded within three working days and the complainant will be given contact details for the relevant Head of Service.”

Contact

Dunstable Town Council, Grove House, 76 High Street North, Dunstable, Bedfordshire.
LU6 1NF

Telephone: 01582 513000

Email: info@dunstable.gov.uk

Website: www.dunstable.gov.uk

How to Know When You Need a Market License



DUNSTABLE
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Dunstable Town Council is responsible for managing and licensing markets in the local area. We want to work with you to ensure the best possible outcome for your event with no competition for the same traders or attendees. Let's work together to ensure the best possible turnout!



Are you holding an event, car boot, craft fair or tabletop sale (private or charity)?



Have more than four traders?



Does it fall within a 6 2/3 mile radius of Dunstable's Middle Row Market?

You will need to get a market license



Why do we license



DUNSTABLE
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Dunstable Town Council manages markets and fairs that take place within the town and surrounding areas (within a 6 2/3 radius), ensuring that both the retail and entertainment aspects thrive for the benefit of all involved.

This approach to place management is designed to create a positive outcome for all. It ensures that Dunstable retains its market heritage and identity, it manages unhealthy competition for the same small traders who haven't neither the supply of products or the local demand to trader more frequently, thus ensuring success for them and the markets where they trade.

As part of this place management, the town council licenses all markets in surrounding areas, there may be a charge for this license depending on the number of stalls, date and commercial nature of the market. The council also reserves the right to deny a license for any market proposed to operate on the same day as Middle Row Market.

It's all about making sure the markets and events stay buzzing and successful for everyone. Win-win for us and for you!

For information on licence applications and associated fees, please contact our Town Centre Manager on 07540 048930 or via email annette.clynes@dunstable.gov.uk

