

KNUTSFORD TOWN COUNCIL

MARKET LICENSING POLICY

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INTRODUCTION

1.1 Knutsford Town Council enjoys the Market Rights for Knutsford as established under the Food Act 1984 by Cheshire East Council. The Market Rights were transferred to Knutsford Town Council in 2014.

1.2 The Town Council operates a Market Hall on Silk Mill Street and may provide an outdoor market on Silk Mill Street three days per week. The Town Council also licenses the monthly Makers Market.

1.3 The Town Council's rights extend 6 2/3 miles from Knutsford; however it is the policy of the Town Council to only exercise this policy within the Parish boundary. The Town Council does however, reserve the right to exercise its rights outside of the parish and within its legal limit should the establishment of a new market outside of the parish compete with markets in the parish of Knutsford.

1.4 A market may be part of a wider event, when this occurs the market element shall be subject to this policy.

DEFINITIONS

1.5 A market is defined as *"a concourse of buyers and sellers"*; a concourse of buyers and sellers is to comprise not less than five stalls, stands, vehicles or pitches.

1.6 For the purpose of this policy, any reference to "stalls" shall be taken to mean stalls, stands, vehicles (moveable or not) or pitches.

1.7 A market may be held either outdoors or within a building. Markets include (but are not limited to) car boot sales, antique/craft markets, general markets, food markets, farmers markets etc.

1.8 A Market Operator means the person, body or organisation to which a market licence is granted by the Council.

1.9 A market event may comprise multiple consecutive days.

EXCLUSIONS

1.8 This Policy does not apply to street trading activities. Street trading is controlled by a different licensing process and relates to the granting of individual trading licences for identified streets. For street trading, contact Cheshire East Council.

1.9 This policy does not apply to the operation of the Council's Market Hall

LICENSING PRIVATE MARKETS

2.1 The Council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence shall be in breach of this policy and may be subject to enforcement action.

2.2 Markets shall only be licensed once an application has been approved, an agreement signed (see 2.6) and the appropriate fee received by the Council.

2.3 Market licenses are issued to the market operator identified in the application and are not transferable.

2.4 The Council will not issue a licence covering a period greater than 12 months

2.5 The Council shall consider applications in respect of the following categories of market event:

a. Commercial Markets
b. Community Markets

2.6 Following outline approval of an application a licensing agreement must be entered into between the Operator and the Council; signed by both parties before the market takes place. The agreement will cover the issues set out in this section and all other matters the Council deems relevant.

2.7 The following requirements must also be met:

a. Market Operators must have adequate insurances in place (including £5m public liability insurance) and ensure that all stallholders have their own adequate insurances in place including a minimum of £5m public liability insurance. For community-based markets, the requirement is that if individual stallholders do not hold insurances, that these are covered by the Market Operator's insurance.
b. All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.
c. All necessary consents and licences must be obtained prior to the event taking place
d. Risk assessments must be undertaken and a copy made available to the Council upon request

COMMERCIAL MARKETS

3.1 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.

3.2 No market shall be authorised within the parish unless it can be demonstrated that the new market shall not undermine an existing market and not prejudice the overall market offer.

3.3 A fee must be paid in respect of any consent given by the Council, which shall be based on both the size of the market and the frequency with which the market is held. The fee must be paid before the market is held. Please refer to Schedule 1 for the current fees.

3.4 The Council shall look for the proposed market to complement existing retail activity in Knutsford

3.5 A market held within the Market Hall shall not require a separate licence.

COMMERCIAL MARKET FEES

3.6 The council's market licence fees are detailed in Schedule 1

3.7 The licence fee charged shall comprise:

a. A base fee determined by the number of market events covered by the licence
b. A variable fee based on the number of stalls at each day of a market event

3.8 The base fee will include up to 15 stalls per day of a market event

3.9 Where a market charges an admission fee which only provides admission for a specified period, each period shall be treated as a separate market event when calculating the licence fee.

COMMUNITY MARKETS

4.1 Community markets are normally organised by local communities/organisations with the intention of raising funds for a specific charity or celebrating a special event. They may be arranged by individuals or businesses where the proceeds of the event go to a local charity/good cause.

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 so requested. It is acknowledged that some traders will be selling goods for their own purposes, the Council shall look for the event to have a strong charitable element in the way the event is organised.

4.2 Whether a market qualifies a community market under this policy shall be at the discretion of the council. Community markets with fewer than 25 stalls do not require a licence or express approval from the Town Council provided they do not coincide with another licenced market. Where the market coincides with another licenced market (excluding the Market Hall), a license will be required as per larger markets.

4.3 For community markets with 25 stalls or more, the Council will consider applications having regard to the following requirements:

a. The applicant shall provide such information as required on the application form and provide a site plan showing the extent of the market and proposed layout of stalls.

b. The applicant shall undertake a risk assessment in relation to the operation of the market and a copy shall be made available to the Council upon request.

4.4 Where the market is to be operated on a non-profit making basis to assist a charity or community event the licence fee will be waived.

APPLICATIONS

5.1 Applications for a market licence must be made using the prescribed form

5.2 Applications must be accompanied by a site plan showing the extent of the market and proposed layout of stalls.

5.3 The Town Clerk has delegated authority to consider applications and grant licences on behalf of the Council as follows:

a. all community-based markets
b. commercial markets within a building or comprising fewer than 30 stalls.

5.4 Where the Town Clerk intends to refuse a market licence, they shall first consult the Town Centre Committee Chairman who may require that the application is instead referred to the Town Centre Committee.

5.5 In all other instances licences shall be granted by the Town Centre Committee.

5.6 All decisions to grant market licences are made at the discretion of Knutsford Town Council.

5.7 Applicants should apply for a licence as early as possible to ensure the Council has adequate time to consider matters. Applications will be determined within 6 weeks. Failure to provide all requested information may result in a delay to an application.

APPEAL

6.1 If an application is refused, the Council will contact the applicant setting out the reasons for its decision.

6.2

6.3 There is no right of appeal against a refusal to issue a market licence.

LICENCE RENEWAL

7.1 Market operators should re-submit their application every 12 months if they wish to continue to operate a regular market. This must be done at least one month before the current market licence expires.

7.2 The Town Clerk shall determine the renewal of a licence unless a condition of the original licences specified it shall be determined by the Town Centre Committee.

7.3 The Council will not send out reminders for renewals – it is up to the operator to renew on time.

7.4 Lapsed market licences will be dealt with as new applications.

OTHER APPROVALS

8.1 Approvals granted by the Council in accordance with this policy does not remove the requirement for any other relevant approvals, consents or licences to be obtained by the Market Operator.

8.2 This may include permission from the relevant landowner, temporary road closures, planning permission and licences required under the Licensing Act 2003.

8.3 The Council may require proof of these approvals being obtained prior to the granting of a market licence.

ENFORCEMENT

9.1 The Council will monitor the application of this Policy and any market event which is operated after the date of the adoption of this policy will be subject to the Council's requirements.

9.2 Any market which is not approved by the Council under this policy will be subject to legal action and the Council may seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.

9.3 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 with immediate effect 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.

9.4 Any costs of, or associated with, enforcement action deemed necessary as a result of the Market Operator's failure to comply with the Market Policy will be recovered from the Market Operator.

SCHEDULE 1 – FEES

	Single Market Event	< 12 Market Events	12 + Market Events
Licence Fee[a]	£60	£36 per market	£30 per market
15+ stalls[b]	£4.35	£3.75	£3.10

a. The licence fee includes up to 15 stalls
b. Cost per stall (above the 15 included in a), per day in addition to the licence fee

The council shall review these fees annually.

(fees correct: April 2025)