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# **Swanley Town Council**

## **Markets Policy**

### **1. PURPOSE**

The purpose of this document is to set out Swanley 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 Swanley and the Council's role in delivering and administering these activities and the Council's strategy and objectives.
- Deliver a service which enhances the Towns Community
- 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 and 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 Current Operation**

Markets are currently licenced by Sevenoaks District Council although permissions are not required from them to deliver Markets in the Town other than on land owned by them or where a street trading license would be required.

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:

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

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 Kent Council has the same powers, as the legislation (see Appendix 2) only includes District Councils, London Borough Councils and Town / Parish Councils. (i.e. it does not specify County Councils – which legally Kent is).

**7. STREET TRADING CONSENT**

Street Trading Consent is a licensing activity and is therefore the responsibility of Sevenoaks District Council. There are currently an unknown number street traders licensed to operate during the day in Swanley.

The Town Council could apply to take on the issuing of street trader licensing in the town if acting under an agency agreement from Sevenoaks District Council.

**8. POLICY STATEMENT**

Swanley Town Council will:

1. Seek 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 the Town and the continued provision of a traditional market in the Town.
3. Continue to support the provision of a monthly Car Boot Sales and events around the town.
4. Seek to provide a Christmas Market in the period around and following the lights switch on at the end of November beginning of December.
5. Maintain a dialogue with Sevenoaks District Council with regard to the operation and future options for the market here.
6. Maintain a dialogue with existing shop based traders in the Town regarding market activities in the Town and undertake assessment of the impact of street markets on their trade.
7. 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.
8. Seek membership of the National Association of British Market Authorities.

**Appendices**

<b>Appendix 1</b>	Food Act 1984
<b>Appendix 2</b>	Street Trading

**Steve Nash – Town Clerk & Proper Officer**

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

*This policy was approved at the meeting of the Policy & Finance Committee on  
It will be reviewed and updated every four years, or more frequently if the size and nature of the Council changes.*

## Appendix I - 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)

**F1**Words substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 2(1)

**F2**Words substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 2(2)

**F3**S. 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.]

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#### Annotations:

##### Amendments (Textual)

**F1**Definitions substituted for “market authority” by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, Sch. 2 para. 11

**F2**Words 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

**F3**Words repealed by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 52, 54, 59(4), Sch. 2 para. 11, Sch

**Appendix 2 – Street Trading**

Shows the regulated area for Street Trading in Sevenoaks District Council.