

APPENDIX B

Rival Markets Policy

Background

As the owner of a franchise market originally created by charter, and subsequently confirmed by its stature, Norwich City Council is entitled to the peaceable enjoyment of the market and to protection from disturbance.

The definition of a 'disturbance' includes the setting up of a rival market within 6.66 miles of statutory/franchise market. A market is defined as a "*concourse of buyers and sellers*" and therefore includes car boot sales, craft fairs, antique fairs, and other speciality markets.

In order to protect the authority's franchise market Norwich City Council will take all necessary steps, including legal action, against those operators (and site owners) attempting to hold markets without Norwich City Council's approval. Norwich City Council has a policy of licensing approved markets and this is outlined below.

Licensing policy

Any application for a licence to hold a rival market within the common law distance of 6.66 miles from the Council's lawful market would need to be made at least 28 days before the first event and include the following information: -

- The full name and address of the person intending to hold the market.
- The day or days on which it is proposed that the market shall be held and its proposed opening and closing times.
- The site on which it is proposed to be held.

4. The full name and address of the occupier of the site if he is not the person intending to hold the market.

The applicant should observe the following conditions: -

- The applicant should obtain all the necessary permissions, permits, consents and licences required for the operation of the market, the market site and any other activities connected with the event.
- The Council is not responsible for any liability for any damages arising from the rival Market. Therefore the applicant should hold a public liability insurance policy for claims up to at least £5 million and shall produce on demand the policy and premiums paid in respect thereof.

- Permission to operate any rival market may be refused on the grounds that it is likely to adversely affect the Council's markets operation or that it is unnecessary or undesirable for any reason.
- The applicant is required to pay a fee in recognition of the Council's Market Rights to be specified by the Council from time to time.

Licensing Categories

Licensing of rival markets will normally fall into one of the following categories: -

i) Non-Commercial Markets

Occasional temporary markets where 100% of the proceeds of the market raised by the levying of stall charges, tolls or admissions must be applied solely or principally for charitable, social, sporting or political purposes. The applicant must be an Officer of the Benefiting organisation. To reflect the temporary nature of the market the applicant would be limited to a maximum of 6 events per year, the events not to be held within one month of each other. The type of goods sold is limited to second-hand goods, goods bearing the benefiting organisation's logo and catering units, which must be specified.

ii) Temporary Markets

Once again, these events are limited maximum of 6 events per year, per operator, the events not to be held within one month of each other. The type of goods sold may be restricted to include only second-hand goods or speciality goods such as antiques, crafts, collectibles etc., and catering units, which must be specified.

iii) Commercial Markets

Any other rival market that does not fall into the above categories.

Before issuing any licences to operate a rival market, consultation will take place with the relevant enforcement agencies to enable them to make objection or other preparations as necessary.

Scale of licence fees

To meet the cost of approving and policing the licences to operate a rival market the following scale of licence fees are applied.

Non-Commercial Markets:- £10.00 per event

Temporary Markets:- £25.00 per event

(This fee may be waived where the market is owned and operated by the Council).

Commercial Markets:- £250.00 per annum per site