



LEIGHTON-LINSLADE TOWN COUNCIL

Policy and Finance Committee

Date: 19 April 2021

Title: Leighton Buzzard Market - Market Powers

Purpose of the Report: To seek endorsement in respect to Market Powers.

Contact Officers: Vivien Cannon – Head of Cultural and Economic Services

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| Corporate Objective/s | Aim 23: To continue to manage, promote and develop the street market. | |
| Implications: | | |
| Financial | | |
| Human Resources | | |
| Operational/Service delivery | Yes | Improved working arrangements with visiting markets |
| Procedural/Legal | Yes | Use of the provisions of Part 111 of the Food Act 1984 alongside the Market Charter. Defined working terms for visiting markets. |
| Risk/Health & Safety | | |
| Environmental Ambitions | Yes | Incorporates expectation for visiting markets to confirm environmental practices. |

1.0 RECOMMENDATIONS

Should Committee be minded:-

- 1.1 To recommend to Council to endorse the use of the provisions of Part 111 of the Food Act 1984 alongside the Market Charter.
- 1.2 To recommend to Council to endorse the Market Rights public statement.
- 1.3 To endorse the Visiting Markets Terms and Conditions.

2.0 INFORMATION

- 2.1 The Council has held the Market Charter since 1st June 2012 thereby granting the Council the right to control the number and quality of markets in the area. Council therefore hold the 'market rights'.

- 2.2 The legal term, 'market rights' is an incorporeal hereditament but more commonly referred to a franchise which not only authorises a market to be held but gives the owner of the right the ability to prevent other potential market operators from interfering with the franchise.
- 2.3 Essentially market rights can extend to any rival market. This means a market held within the six and two-third miles protection area which does not enjoy the benefit of its own market rights.

"A rival market is defined in basic terms as a "concourse of buyers and sellers" (Downshire v O'Brien 1887) and this description applies to Car Boot Sales, Farmers' Markets, Table Top Sales, French / Italian Markets, Christmas Markets, Antique Fayres, and other Specialist Markets.

The six and two-third miles are measured in a straight line (Newcastle-Upon-Tyne City Council v Noble 1991). Additionally the six and two-third miles rule is not limited to local authority boundaries (Halton Borough Council v Cawley 1985). The six and two thirds extends from the boundary of the market operated under the market rights but the distance can be extended by licensing a further market to be held (Leeds City Council v Watkins & Whiteley 2003)."

(Source - National Association of British Market Authorities.)

- 2.4 Covid has increased the pace of change in how retail businesses operate. As the nation recovers it is likely that new retail models will start up including an increase in pop-up style retail events and new markets. Given this potential, received advice from the National Association of British Market Authorities (NABMA), is that market authorities should ensure they are aware of their rights and apply them.
- 2.5 Nationally, many markets operate by authority of ancient Charters or Letters Patent. Large towns and cities, in the early 20th century, enacted local legislation relating to various council services often encompassing elements of markets management. Currently, public general legislation relating to markets is found in Part III of the Food Act of 1984.
- 2.6 The current legislation provides enhanced protection and greater flexibility with market operations, for example, where a Royal Charter gives right to hold a market on a particular day, in order for a market to be held on other days it might be necessary to apply the provisions of Part III of the Food Act of 1984.
- 2.7 **Market rights:**
- 2.7.1 The proposal set out at recommendation 1.1, is to ensure that Council enhances its market protection and opportunity to amend its delivery if required. NABMA suggest that market authorities operating under a Charter seek to use Part 111 of the Food Act 1984 alongside the Charter. This can be done by a simple Council resolution which asks the Council to agree to use the provisions of Part 111. NABMA confirm that there is no procedure to be followed before the Council agrees to use Part 111, and no consultation or notice is required. A copy of the Part 111 is attached at **Appendix A**.

2.8 **Market rights public statement:**

- 2.7.1. It is in the gift of the Council to choose to assert its market rights. It is important Council publicly communicates its market authority status to would-be new/visiting markets and/or trading events, of its intend so that necessary communications take place to protect the Town's market. To this end a draft statement is set out below for Committee consideration and recommendation to Council, see below:

Leighton Buzzard Market – Market Rights

Leighton-Linslade Town Council holds the market Charter and is therefore the market authority who will assert its market rights as it sees necessary.

The Council hereby gives notice that any market or “concourse of buyers and sellers”, other than the Leighton Buzzard Charter Market seeking to operate within the market authority area must first approach Leighton-Linslade Town Council to seek permission to operate.

This includes yet may not be limited to:

Car Boot Sales, Farmers' Markets, Table Top Sales, French / Italian Markets, Christmas Markets, Antique Fayres, and other Specialist Markets.

Leighton-Linslade Town Council welcomes approaches that bring economic interest and variety to the Town and will give fair consideration to applicants.

2.9 **Visiting markets and trading events - terms and conditions:**

- 2.10 Over recent years, the market service has successfully increased the number of visiting markets to the Town. Permission is granted to attend as per the Council's market rights. As per recommendation 1.3, terms and conditions for visiting markets have been drafted at **Appendix B** and require Committee's consideration and endorsement.

3.0 **CONCLUSION**

- 3.1 The above recommendations further strengthen Council's market rights and the protection of the Town's market.

End.