



## **MARKETS POLICY**

### **1. THE ROLE OF MARKETS**

Markets have taken place in Warwick District for hundreds of years giving residents access to affordable fresh food and other commodities.

The markets provide focal points for communities and make a significant contribution to the vitality and character of the District's town centres.

They also support business enterprise by providing a low-cost, low-risk opportunity for new businesses to start up, innovate and grow.

Warwick District Council acknowledges the economic and social importance of markets and has developed this Markets Policy to protect their long-term prosperity whilst providing a clear framework to assess any proposals for new markets.

### **2. MARKET RIGHTS IN WARWICK DISTRICT**

Warwick District Council is the proprietor of Warwick Charter Market and has the right to protect it from competing markets. It is unlawful for any person or organisation to hold a market within 6 2/3<sup>rd</sup> miles of Warwick Charter Market without the permission of Warwick District Council.

Part III of the Food Act 1984 provides the modern legislative framework for the establishment and operation of markets. This legislation enables Warwick District Council to hold the weekly Retail Market in Kenilworth, the Autumn Markets and Yuletide Fayres in Leamington and monthly Farmers' Markets in Warwick and Leamington.

Under Section 37 of The Local Government (Miscellaneous Provisions) Act 1982, any person or organisation intending to hold a temporary market or car boot sale within Warwick District must give notice to Warwick District Council.

### **3. EXISTING MARKETS**

There are six established markets operating in Warwick District that make a positive contribution to the vitality and character of the District's town centres.

The markets have been carefully planned to ensure that they do not threaten the viability or success of Warwick Charter Market.

#### **i) Warwick Charter Market**

Warwick's Charter Market takes place every Saturday from 9am - 4pm in the Market Place.

#### **ii) Kenilworth Retail Market**

Kenilworth Retail Market takes place every Thursday from 9am - 4pm at Abbey End.

#### **iii) Leamington Farmers' Market**

Leamington Farmers' Market takes place on the fourth Saturday of every month from 9am - 4pm on the Pump Room Gardens.

#### **iv) Warwick Farmers' Market**

Warwick Farmers' Market takes place on the fifth Saturday of every month from 9am - 2pm in the Market Place.

#### **v) Leamington Autumn Markets**

Leamington Autumn Markets take place on Sundays from the beginning of October to Remembrance Sunday from 10am - 5pm on the Parade.

#### **vi) Leamington Yuletide Fayres**

Leamington Yuletide Fayres take place on every Sunday between Remembrance Sunday and Christmas Day from 10am - 5pm on the Parade.

#### **3.1 Applying for a Stall on Existing Markets**

All existing markets in Warwick District are currently operated by a contractor on behalf of Warwick District Council.

For information on stall criteria, availability and costs contact should be made direct to our contractor, whose information is held online ([www.warwickdc.gov.uk](http://www.warwickdc.gov.uk)) or can be made available upon request.

### **4. NEW MARKETS**

Warwick District Council will exercise its Market Rights to prevent the establishment of any new markets that would threaten the viability or success of existing markets. The Council will however consider applications for markets that do not present a threat to existing markets and that have the potential to deliver economic and/or social benefits to the District.

The legal definition of a market is “a concourse of buyers and sellers”. This includes car boot sales, markets and fairs of any type e.g. antiques, coins, stamps, books, toys, cars, memorabilia, collector’s items, arts and crafts.

#### **4.1 Permanent Markets**

Any person or organisation intending to establish a permanent market in Warwick District must first satisfy Warwick District Council that the market will not threaten the viability or success of established markets.

Any new permanent markets will be operated under Part III of the Food Act 1984.

Permanent markets will have a negotiated contract that meets the needs of the market as well as providing suitable remuneration for the provision of Market Rights. Legal fees associated with establishing the contract will need to be met by the applicant.

#### **4.2 Temporary Markets and Car Boot Sales**

Under Section 37 of The Local Government (Miscellaneous Provisions) Act 1982, any person or organisation intending to hold a temporary market or car boot sale within Warwick District must give notice to Warwick District Council.

General retail markets will not be permitted. Markets that offer a specialised theme or grouping of products that distinguish them from traditional retail markets will be considered.

Car boot sales should be restricted to householders selling surplus household articles. No new goods should be available for sale.

Warwick District Council does not currently charge for the granting of permissions for Temporary Markets or car boot sales, but reserves the right to institute a tariff system if deemed appropriate, subject to Council Executive approval.

#### **4.3 Fairs**

Fairs are included under the Market Rights as they fall within the definition of a market. They often mix the sale of produce and goods with rides and attractions.

Under Section 37 of The Local Government (Miscellaneous Provisions) Act 1982, any person or organisation intending to hold a fair within Warwick District must give notice to Warwick District Council.

Warwick District does not currently charge for the granting of permissions for Fairs, but reserves the right to institute such charges if deemed appropriate, subject to Council Executive approval.

#### **4.4 Applying to Hold a New Market in Warwick District**

Any person intending to hold a market sale within Warwick District must obtain permission from Warwick District Council.

Forms will be available from all customer access points as well as from the Warwick District Council website. Forms may be returned either electronically or in paper format, but must be received at least 4 weeks prior to the proposed market or fair.

##### **4.4.1 Appeals Process**

Should the request for a new market be refused, the applicant will have the opportunity to appeal the decision. The mechanism for such an appeal will be detailed in the refusal letter and be available online and in print upon request. Appeals must be made within 28 days of notification of refusal, and will be reviewed by the Head of Service and Portfolio Holder within 28 days of receipt of the appeal.