

Wem Town Council
MARKETS LICENCING POLICY reviewed 26.6.25

1. Introduction

The Council recognises the importance of markets in the local economy and the character of the area. They remain an important Council service and contribute to the local communities they serve.

The Council's markets represent an important investment by the Council in delivering economic regeneration and town centre vitality.

The Council is keen to maintain the balance of markets throughout its area and to ensure that there is consistency in the way markets are organised. In this context the Council has implemented a markets policy which sets out the basis upon which markets are held and the process by which applications for new markets will be considered.

This policy is intended to cater for the many different types of market and distinguishes between commercial markets and those that are largely community-based with a strong charitable element. The Council's approach in considering applications for each type of market are outlined in Section 5 of this policy.

This policy does not cover street trading activities, which are the responsibility of the Unitary Authority.

The policy will be reviewed on an annual basis.

2. What is a market event?

This policy is intended to cover all market events held within the Council's area and uses the following definition of a market:

A market

- Is legally defined as 'a concourse of buyers and sellers', meaning that the public are entitled to attend market events to buy and sell
- Will comprise not less than five stalls, stands, vehicles, whether moveable or not or pitches from which articles are sold.
- Will have an operator who is responsible for the organisation and delivery of the event.
- Will include car boot sales, antique and craft markets, general markets, farmers' markets and charity markets.
- May sometimes be held as an integral part of a special event. Where this arises the market element will fall within the Council's markets policy.

3. Market Rights

Wem Town Council, by virtue of its statutory powers, enjoys market rights throughout its area and is in a position to consider applications for market events. This gives the Council

certain powers, including the ability to control other markets held within 6 2/3 miles of its own market.

This right has been exercisable for many years and the Council has considered relevant legislation in drawing up this policy.

All markets held in Wem are licenced and operated in accordance with the provisions of Part III of the Food Act 1984. This gives the Council statutory powers to:

- implement a markets policy within its area;
- operate markets within Wem;
- consider applications for other markets; and
- determine whether such markets can be held by way of consent.

4. Wem Town Council Markets

The Town Council operates the Thursday outdoor weekly market on Jubilee Square, Wem.

In addition, the Council has the power to establish new markets if it so wishes – as either regular or occasional events. The Council will operate any new markets under the provisions of Part III of the Food Act 1984 and/or its Royal Charter.

5. Licensing Private Markets under the Council's Markets Policy

Markets can only go ahead if the Town Council approves an application and issues a market licence. No new market will be allowed within 6 2/3 miles of an existing licensed market unless it can be clearly shown that the new market will not harm the existing one or reduce the variety of goods on offer. Any market operating without a licence will be breaking the Markets Policy and may face enforcement action (see Section 8).

Licences are granted to the named market operator and cannot be transferred to anyone else. An appropriate fee may be charged, and these fees will be reviewed and set each year.

The Council will consider licence applications for both commercial markets and community markets that have a strong charitable focus.

Definitions

Commercial market	Operated for profit by the organiser and the traders. The Council must approve the goods to be sold.
Community based market	Organised by local groups to raise funds for a specific charity or to celebrate a special event. Must have a strong charitable element in the way it is organised and promoted. The operator must supply evidence of the charitable or not for profit element if requested.

Requirements Placed on All Private Market Operators

- Licensing agreement must be in place
- Must have adequate insurances
- Must provide a risk assessment
- Must comply with trading standards, H&S and any other statutory requirements.
- Operation and liability is sole responsibility of the operator (licence holder)
- Must ensure that all other necessary consents and licences have been obtained prior to the market taking place (see section 7)
- A fee must be paid (commercial: based on size and frequency of the market; Community: nominal fee)

6. Decisions and Appeals

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

Applications will be submitted to the Town Council and, if all information is provided, a written decision will be made within twenty days. If insufficient information is supplied by the applicant, this will increase the length of time for a decision to be made.

There is no statutory right of appeal against refusal to issue a market licence. However, if the Council decides to refuse an application, it will set out the reasons for its decision and any appeal must be submitted in writing within fourteen days of the Council's written decision.

On receipt of an appeal request, the decision to refuse the market licence will be reviewed by the Town Clerk in consultation with the Mayor.

The authority to grant a market licence is held by Full Council with this power being delegated to the Town Clerk under the Council's scheme of delegation.

7. Licence Renewals

A market licence will last for a maximum of twelve months, after which time the operator must re-submit their application. This must be done at least one month before their current market licence expires.

The Council will not send out reminders for renewals. I

Lapsed market licences will be dealt with as new applications.

8. Other Approvals

Any approval given by the Council in accordance with this Market Policy shall not remove the requirement for any other relevant approvals, consents and licences to be obtained by the Market Operator. These include, but are not limited to:

- a. Prior approval of the landowner
- b. Temporary road closures and traffic management arrangements
- c. Planning consent where a market is held in the same location for 14 or more days in a calendar year

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

9. Enforcement

The Council will monitor the application of its Markets Policy.

If a market is not approved by the Council under Section 5 of its Markets Policy, the Council may take legal action to stop the market and may also seek compensation if necessary.

If a market operator breaks the terms of their market licence, the Council can cancel the licence immediately and may refuse any future licence applications from that operator or anyone linked to them.

Any costs the Council has to pay to take enforcement action because a market operator has broken the terms of their licence will be charged to the market operator.

Applications in respect of both commercial and community based markets should be made to the following:

**Wem Town Council, Wem Library, High Street, Wem SY34 5AA
01939 232733 info@wem.gov.uk**