LOUGHTON TOWN COUNCIL

MARKET LICENSING POLICY

Policy owner: Town Clerk / Proper Officer
Approved by: Environment & Heritage Committee
Date adopted: 18 November 2026
Review date: November 2029

1 Purpose of the Policy

The purpose of this policy is to establish a clear, fair and transparent framework for the consideration, approval, issue, renewal, monitoring and revocation of market licences by the Town Council.

The Council recognises that markets can make an important contribution to the local economy, support independent businesses, encourage tourism, provide opportunities for community activities and enhance the vitality of the town.

The policy aims to ensure that markets operating within the area covered by the Council's lawful market licensing powers are appropriately managed and that decisions about applications are made consistently, proportionately and in the public interest.

2 Scope

This policy applies to applications for a market licence where the Council has the relevant statutory, charter, local Act or other lawful authority to grant or refuse such a licence.

Depending on the Council's legal powers, this may include:

- Commercial markets.
- Craft, artisan and speciality markets.
- Farmers' and producers' markets.
- Antiques, collectables and vintage markets.
- Car boot sales and similar trading events.
- Seasonal and Christmas markets.
- Charity, community and fundraising markets.

- Temporary or occasional markets.
- Other organised gatherings of buyers and sellers falling within the relevant legal definition of a market.

This policy does not replace any separate planning permission, street trading licence, landowner's consent, food registration, event approval or other authorisation required by law.

3 Legal Framework

The Council will administer this policy in accordance with all applicable legislation, legal obligations and relevant guidance.

Depending on the circumstances, the legal framework may include:

- Food Act 1984, including relevant provisions concerning markets and market byelaws.
- Local Government Act 1972.
- Local Government (Miscellaneous Provisions) Act 1982, where applicable.
- Equality Act 2010.
- Health and Safety at Work etc. Act 1974.
- Relevant food safety, fire safety, environmental protection and consumer protection legislation.
- Applicable local Acts, Royal Charters, market rights and existing byelaws.

The Council will confirm the precise legal basis of its licensing powers before implementing this policy.

Nothing in this policy shall be interpreted as granting the Council powers that it does not legally possess.

4 Policy Objectives

The Council's objectives are to:

1. Protect the interests of the town, its residents, businesses and existing markets.
2. Encourage well-managed markets that contribute positively to the local economy.
3. Ensure that applications are assessed using clear and consistent criteria.
4. Promote fair opportunities for traders and market operators.
5. Protect public safety, accessibility, amenity and the local environment.
6. Encourage high standards of cleanliness, presentation and customer service.
7. Prevent unreasonable obstruction, nuisance and disruption.
8. Ensure that licensing decisions are recorded, transparent and capable of review.

5 Definitions

For the purposes of this policy:

The Council means Loughton Town Council.

Market means an organised gathering of buyers and sellers for the purpose of offering goods for sale or exchange, to the extent that the activity falls within the applicable legal definition.

Market operator means the individual, company, partnership, charity or other organisation responsible for organising and managing a market.

Market licence means the written authorisation issued by the Council under its applicable lawful powers.

Applicant means the person or organisation applying for a market licence.

Trader means an individual or business selling, offering or displaying goods or services at a market.

Licence conditions means the requirements attached to an individual licence, in addition to the provisions of this policy.

6 General Licensing Principles

6.1 No market requiring the Council's authorisation under its applicable legal powers may operate without the necessary licence or consent.

6.2 A licence must be obtained before the market commences. Applicants should submit their applications sufficiently early to allow the Council to assess the proposal and consult relevant bodies where appropriate.

6.3 The granting of a licence is subject to compliance with this policy, the individual licence conditions and all applicable legal requirements.

6.4 A market licence shall be issued to the named market operator and shall not be transferred to another person or organisation without the Council's prior written approval, where such approval is legally required.

6.5 The Council may impose reasonable, relevant and proportionate conditions relating to the operation of a market, provided that it has the lawful authority to do so.

6.6 The issue of a market licence does not guarantee exclusive trading rights, ownership of a site or permission to undertake activities outside the scope of the licence.

6.7 The Council will not unreasonably discriminate between applicants and will consider each application on its individual merits.

7 Application Procedure

7.1 Submission of an application

Applications must be submitted using the Council's prescribed application form.

The applicant must provide, as appropriate:

- Full name and contact details of the applicant and proposed market operator.

- The proposed market name and description.
- The proposed location and site plan.
- Proposed dates, frequency and operating hours.
- The anticipated number and type of stalls.
- Details of the goods and services to be offered.
- A proposed stall layout, including access routes and emergency access.
- A risk assessment and relevant event management arrangements.
- Evidence of public liability insurance at the level reasonably required by the Council.
- Details of waste management, sanitation, traffic and parking arrangements.
- Details of electrical equipment, generators, cooking facilities and other relevant hazards.
- Any required planning permissions, landowner consents or other licences already obtained.
- Details of any proposed charitable or community purpose, where relevant.
- The applicable application fee.

The Council may request further information where reasonably necessary to determine the application.

7.2 Incomplete applications

Where an application is incomplete, the applicant will normally be informed of the missing information.

The Council may defer determination until the necessary information is received. An incomplete application does not create an entitlement to a licence.

7.3 Application timescales

Applicants should normally submit applications at least **eight weeks before** the proposed market date, or earlier where a large or complex event is proposed.

The Council will aim to determine complete applications within six weeks, subject to the complexity of the proposal, consultation requirements and the Council's meeting schedule.

These timescales are administrative targets and do not constitute automatic approval.

7.4 Application fees

The Council may charge an application or licensing fee where it has the lawful authority to do so.

Fees will be approved by the Council and published alongside the application information. The Council may establish different fees for commercial, community, charitable, temporary and recurring markets where justified.

Any applicable refund arrangements will be clearly communicated to applicants.

8 Assessment of Applications

Applications will be assessed against relevant criteria, including the following.

8.1 Suitability of the location

The Council will consider:

- Whether the proposed site is suitable for the size and nature of the market.
- The availability of safe access and emergency routes.
- Pedestrian and vehicle movements.
- Accessibility for disabled people and other users.
- The impact on nearby homes, businesses and public spaces.
- The suitability of the proposed layout and operating hours.

8.2 Impact on existing markets and local businesses

Where relevant and lawful, the Council may consider the effect of the proposed market on existing markets, local traders, town centre vitality and the overall range of goods and services available.

The Council may consider representations from existing market operators and local businesses.

No application will be refused solely because it introduces competition or a different range of goods. Any refusal must be supported by relevant evidence, lawful considerations and proportionate reasoning.

8.3 Quality and variety

The Council may consider whether the proposed market offers a suitable range of goods and services, including opportunities for local producers, independent businesses, craftspeople and community organisations.

8.4 Public safety and event management

The applicant must demonstrate that appropriate arrangements will be in place to manage risks associated with the proposed market.

8.5 Environmental and community impact

The Council may consider noise, waste, litter, pollution, public nuisance, traffic, hours of operation and the effect on the local environment.

8.6 Legal compliance

The applicant must demonstrate that the necessary permissions, registrations and authorisations have been obtained or will be in place before trading begins.

9 Decision-Making and Delegated Authority

9.1 Applications shall be determined by the Council or an officer acting under a formally approved scheme of delegation.

9.2 The Council will specify which applications may be determined by the Town Clerk, and which must be referred to a committee or Full Council.

9.3 Applications involving significant public safety concerns, substantial community impact, unusual legal issues or proposed refusal may be referred to the appropriate committee or Full Council in accordance with the Council's governance arrangements.

9.4 Councillors and officers must declare relevant interests and manage them in accordance with applicable law and the Council's adopted Code of Conduct.

9.5 Each decision must be based on the merits of the application, the applicable legal powers, this policy and any relevant representations.

9.6 The applicant will be notified in writing of the outcome. Where an application is refused, the Council will provide reasons explaining the principal grounds for its decision.

10 Grant and Duration of a Licence

A licence may be issued for a single event, a specified period or a recurring market, depending on the nature of the application and the Council's lawful powers.

The licence will identify:

- The name of the licensed operator.
- The approved market location.
- The authorised dates and operating hours.
- The permitted number or arrangement of stalls, where relevant.
- Any restrictions on the goods or activities permitted.
- The applicable fees.
- The licence conditions.
- The expiry date and any renewal requirements.

A licence will not take effect until any specified pre-commencement requirements have been satisfied.

The licence holder must keep a copy of the licence available for inspection during the market.

11 Conditions of Operation

The market operator shall be responsible for ensuring that the market is operated in accordance with the licence conditions and all applicable legal requirements.

Conditions may include the following, where relevant and lawful.

11.1 Trading arrangements

- The market may operate only on the approved dates, at the approved location and within the authorised hours.
- Stalls must remain within the approved layout.
- No additional stalls may be introduced without any required prior approval.
- Goods and activities must comply with the licence conditions.

- The market operator must maintain an accurate record of participating traders.

11.2 Public safety

- Emergency routes and access for emergency services must remain clear.
- Stalls and equipment must be erected and secured safely.
- Appropriate fire safety precautions must be maintained.
- Electrical equipment, gas appliances and cooking facilities must be safely installed and operated.
- The market operator must maintain appropriate incident reporting and emergency procedures.
- Any serious incident must be reported to the relevant authorities and the Council where required.

11.3 Cleanliness and waste

- The market operator must provide appropriate waste collection arrangements.
- The site must be kept reasonably clean throughout the event.
- Waste must not be left on the site after the market closes.
- Food waste, oils and other potentially harmful materials must be disposed of appropriately.
- The site must be left in a clean and orderly condition.

11.4 Noise and nuisance

- Amplified sound must be controlled and used only where authorised.
- Traders must avoid unreasonable noise, obstruction or disturbance.
- Generators, vehicles and equipment must be operated in accordance with applicable requirements.
- The operator must take reasonable steps to respond to substantiated complaints.

11.5 Traders and products

- Traders must comply with applicable trading, consumer protection and product safety laws.
- Food businesses must meet relevant food safety and registration requirements.
- Counterfeit, stolen, prohibited or unlawfully supplied goods must not be sold.
- Traders must comply with any lawful restrictions on the sale of particular goods.
- Traders must behave respectfully towards customers, other traders, residents and Council representatives.

11.6 Access and inclusivity

The market operator must take reasonable steps to ensure that the layout is accessible and does not create unnecessary barriers for disabled people or other users of the site.

11.7 Insurance and responsibility

The market operator must maintain the insurance required by the licence and provide evidence when reasonably requested.

The operator remains responsible for managing the market and meeting its own legal obligations. The licence does not remove any liability or duty imposed on the Council by law.

12 Fees and Charges

The Council will determine applicable fees in accordance with its lawful powers and financial procedures.

The published schedule may distinguish between:

- Single-event licences.
- Recurring or annual licences.
- Commercial markets.
- Community and charitable markets.
- Amendments or variations to existing licences.
- Additional services or facilities, where applicable.

Fees will be reviewed periodically, normally as part of the Council's annual budget-setting process.

The Council will publish any approved changes and the date on which they take effect.

13 Monitoring and Inspection

The Council may monitor licensed markets and request relevant documentation to establish whether the licence conditions are being observed.

Inspections may be undertaken by authorised officers or other competent authorities within their respective powers.

The market operator must cooperate with lawful inspections and take reasonable steps to remedy identified deficiencies.

Where an issue presents an immediate risk to public safety, the Council will take appropriate action within its legal powers and refer matters to the relevant enforcement authority where necessary.

14 Breaches, Enforcement and Revocation

Where a breach of this policy or a licence condition is identified, the Council will consider the nature and seriousness of the breach and the appropriate response.

Subject to its legal powers, available remedies and the circumstances, the Council may:

1. Provide advice or request corrective action.
2. Issue a written warning identifying the breach and the action required.
3. Require a remedial action plan within a specified reasonable period.
4. Consider a variation or additional condition where legally permitted.
5. Suspend, refuse to renew or revoke a licence where there is a lawful basis to do so.
6. Refer suspected breaches of other legislation to the appropriate enforcement authority.
7. Pursue other lawful remedies where necessary.

The Council may take urgent action where permitted by law and necessary to address a serious or imminent risk.

Before taking action that could materially affect a licence holder, the Council will normally give the operator an opportunity to respond, unless immediate action is legally justified.

Any decision to suspend, revoke or refuse renewal must be made by the appropriate decision-maker, supported by recorded reasons and proportionate to the circumstances.

15 Renewal and Variation

Applications for renewal should be submitted before the existing licence expires and within the timescale specified by the Council.

Renewal is not automatic. The Council may consider the operator's compliance history, any changes to the proposed market and any relevant new information.

The licence holder must seek prior written approval for any material change to the market, including changes to the location, dates, hours, size, layout or nature of the event, where such approval is required by the licence or applicable law.

16 Complaints and Appeals

Applicants and licence holders may submit a written complaint about the handling of an application, a licensing decision or the administration of a licence.

The Council will acknowledge and investigate complaints in accordance with its adopted complaints procedure.

Where a licence application is refused, or a licence is suspended, revoked or made subject to disputed conditions, the written decision will explain any available review or appeal procedure, the relevant deadline and the body responsible for considering it.

Where no statutory appeal applies, the Council may provide an internal review by an officer or committee not involved in the original decision, where practicable and consistent with its governance arrangements.

Nothing in this policy limits any statutory right of appeal or access to a court or other competent body.

17 Equality and Fair Treatment

The Council will apply this policy fairly and consistently and have due regard to its obligations under the Equality Act 2010 and other applicable equality legislation.

Reasonable adjustments and appropriate accessibility arrangements will be considered where required.

The Council will not unlawfully discriminate against applicants, operators, traders or members of the public.

18 Transparency and Record-Keeping

The Council will maintain appropriate records of:

- Applications received.
- Supporting documents and relevant consultations.
- Decisions made and the reasons for them.
- Licences issued, varied, renewed or revoked.
- Fees charged and payments received.
- Complaints, inspections and enforcement action.

Records will be retained in accordance with the Council's records management and data protection arrangements.

Information will be made available in accordance with applicable transparency and information access requirements, subject to relevant legal restrictions.

19 Review of the Policy

The Council will review this policy at least every three years, or earlier where there is a significant change in legislation, the Council's legal powers, local circumstances or operational requirements.

Any substantive amendments must be approved through the Council's appropriate decision-making process.

20 Adoption

This policy was adopted by Loughton Town Council at its meeting held on 18 November 2026.