

GRASS Cliftonville CIC

Markets Policy Guidance for

Market Operators Wishing to Hold Markets at The Oval Bandstand & Lawns

1. Introduction

GRASS Cliftonville CIC (“GRASS”) at The Oval Bandstand & Lawns (“The Oval”) recognises the important contribution that markets make to the local economy and the character of the area. They remain an important service and contribute in a number of ways to the local communities they serve.

Holding markets at The Oval represents an important investment by GRASS in delivering economic regeneration and vitality in Cliftonville.

GRASS is committed to maintaining markets at The Oval and ensuring there is consistency in the way markets are operated. Accordingly, GRASS has decided to implement this Markets Policy which sets out the basis upon which markets at The Oval are held and the process by which applications for holding such markets shall be made and considered.

The Markets Policy enables GRASS to regulate markets at The Oval, to ensure they do not become a nuisance to residents, neighbouring businesses and are operated in an appropriate manner.

GRASS recognises that there are many different types of market activities and, accordingly, the Markets Policy is intended to cater for each type. In particular, the Markets Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. The Markets Policy deals with the different types of market activities and sets out the GRASS's approach when considering applications in respect of such markets.

2. What is a market and who does the Markets Policy apply to?

The Markets Policy is intended to apply to all market events held at The Oval that are operated by organisations other than GRASS.

The legal definition of a market is:

- A concourse of buyers and sellers that shall be comprised of not less than 5 stalls, stands, vehicles (whether moveable or not), or pitches from which articles are sold and normally there shall be a range of different sellers.

Markets include car boot sales, antique and craft markets, general markets, food markets, farmers' markets and charitable markets. However, this list is not exhaustive (please note we are unable to issue a Markets Licence for car boot sales at The Oval).

There shall be a Market Operator who shall be responsible for the organisation and delivery of the market event.

A Market Operator means the person, body or organisation to which a Markets Licence is granted by GRASS. A Markets Licence, once granted, is not transferrable.

A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy.

The Markets Policy differentiates between markets of a commercial nature and community-based markets that have a strong charitable element.

A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.

Community-based markets are organised by local communities or organisations with the intention of raising funds for a specific charity, or a good cause such as a community organisation, or celebrating a special event. The market must be operated on a non-profit making basis and the operator shall supply relevant information as proof of this to the GRASS. While it is recognised and acknowledged that some traders may be selling goods for their own purposes, GRASS shall expect there to be a strong community element in the way the event is organised.

3. GRASS's Markets at The Oval

The following markets are operated by the GRASS:

- Cliftonville Christmas Market – held annually for one or two weeks in late November / early December

In addition to the regular market/s listed above, GRASS also operates occasional markets at wider events, such as Cliftonville Games, Cliftonville Flower & Produce Show, etc.

GRASS has the power to establish new markets at The Oval if it so wishes, as either regular or occasional events. Accordingly, the above list is subject to change and shall be updated as part of a periodic review of the GRASS's Markets Policy.

4. Licensing Private Markets under GRASS's Markets Policy

GRASS's consent to a market, by the grant of a Markets Licence at The Oval, must be given prior to the event taking place.

Markets shall only be licensed once an application for a Markets Licence has been approved (and signed by both the GRASS and the Market Operator) and the appropriate fee received by GRASS.

Market licenses are issued to the Market Operator identified in the application ("the Market Operator") and are not transferrable.

GRASS shall only consider applications in respect of the following categories of market events:

- Community-based markets operated for a good cause or special event

Applications for community-based markets should be made online at <https://grasscliftonville.org/apply-to-hold-a-market>

5. Commercial Markets

As the Oval is a not-for-profit social enterprise venue we regret that we are unable to accept applications to operate a commercial market.

A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.

Community-Based Markets

6. Community-based Markets

Community-based markets are normally organised by local communities or groups with the intention of raising funds.

GRASS shall consider applications in respect of community-based markets having regard to the following requirements:

The market must be operated on a non-profit making basis and the Market Operator shall supply relevant information as proof of this to GRASS. While it is recognised and acknowledged that some traders may be selling goods for their own purposes, GRASS shall expect there to be a strong community element in the way the event is organised.

If significantly different to GRASS's standard Market Layout Plan, the applicant is required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.

We are currently unable to accept any hot food caterers (i.e., for immediate consumption), traders selling hot beverages or ice cream or alcohol, at any market held at The Oval Bandstand & Lawns.

The applicant shall be required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by GRASS as part of the application.

The applicant must ensure that all necessary consents (e.g., planning) have been obtained prior to a market taking place.

Fees must be paid in respect of any application to GRASS for a markets licence. The licence fees for any markets licence consist of a non-refundable fixed application fee and a fee based on the number of pitches required and the frequency with which the market is held. The application fee must be paid at the time the application for the licence is made before the application will be considered.

In respect of any consent the Market Operator must have adequate insurances (including a minimum of £5 million public liability, and £10 million employer's liability insurance) and all Stallholders should have a minimum of £5 million public liability, £5m product liability, and £10 million employer's liability insurance.

All trading standards guidelines, health and safety requirements, and any other relevant legislation, must be adhered to.

Following outline approval of an application a licensing agreement must be entered into between the Market Operator and GRASS and such licensing agreement must be signed by both GRASS and the Market Operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters GRASS deems to be relevant including the following:

- Waste disposal arrangements
- Road closures and traffic management
- Noise and nuisance
- Health and safety issues
- Power usage

GRASS will insist on any other requirements as are deemed appropriate.

7. Process for determining market licence applications

GRASS will endeavour to deal with applications for a Markets Licence within a period of twenty working days from receipt of the application. Applicants are urged to submit an application as early as possible to ensure that GRASS has adequate time to consider the relevant matters in an appropriate way. In considering the application GRASS will require sufficient information to deal with all of the issues covered on the application form. Failure to provide such information is likely to lead to a delay in the GRASS coming to a decision.

Community based organisations must provide up-to-date copies of the following documentation:

- Constitution or Articles of Association (CIC's & CIO's) and minutes from the community organisations most recent AGM
- Names of current committee members or directors and their roles within the organisation
- The most recent year-end treasurers or financial directors report which has been approved by the committee or submitted to Companies House.
- 3-months of the community organisations most recent bank statements (all bank accounts)

When GRASS receives an application, it will liaise with, and share information with, other agencies as appropriate, as per GRASS's GDPR policy.

The following guidelines will be applied when an application is received by GRASS:

The Market Operator must demonstrate that the proposed market compliments existing retail activity in the local area and supports GRASS's objective of helping to create a thriving local economy that is attractive and welcoming and does not prejudice established markets and local businesses.

The authority to grant a Markets Licence is held by the Board of Directors with this power being delegated under GRASS's scheme of delegation.

All decisions to grant a Markets License are made at the discretion of GRASS.

8. Market Licence Fees

A one-off non-refundable fee of £100 is payable by each Market Operator within 7 days of a Markets Licence application being received and approved for processing by GRASS.

A Markets Licence agreement for the identified event/s will be drawn-up by GRASS and will require the appropriate pitch hire fees to be paid no later than 7 days before the event being held.

The monthly pitch fees will be based on the number of pitches required, and the frequency of the market being held in any given month (i.e., weekly, fortnightly, once-a-month, etc). The fee per pitch is £10, not including equipment, and pitch locations can be identified on the attached site map in Appendix 1.

All fees are payable to GRASS Cliftonville CIC.

9. Appeal Process

If GRASS decides to refuse an application for a Markets Licence, it will contact the applicant and set out the reasons for its decision.

There is no statutory right of appeal against refusal to issue a Markets Licence, however you may appeal against the decision.

Any appeal against a decision to refuse a Markets Licence must be made in writing to GRASS, setting out the reasons the applicant believes the refusal is unwarranted.

On receipt of an appeal request the decision to refuse the market will be reviewed and the applicant informed of the outcome.

10. Renewing a market licence

Market Operators should re-submit their Markets Licence application every 12 months if they wish to continue to operate a regular market. This must be done at least one month before their current market licence expires.

GRASS will not send out reminders for renewals. It is up to the Market Operator to renew their application on time.

GRASS retains the right to cancel any Market License by giving 14 days' notice.

Lapsed Market Licences will be dealt with as new applications.

11. Other Approvals

It is important to emphasise that any approval given by GRASS 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.

GRASS

The Market Operator shall be responsible for any temporary road closures and associated traffic management arrangements that may be required in order to facilitate the operation of the market. Kent County Council has legal powers to temporarily close roads and divert traffic in order to facilitate various types of event, applications for temporary road closures in relation to markets should, in the first instance, be addressed to Kent County Council.

The Market Operator should consult with the Thanet District Council's Planning Department to ascertain whether planning consent is needed for the market to operate. Any market held in the same location for 14 or more days in a calendar year will require planning consent.

Attention is also drawn to the provisions of the Licensing Act 2003 in respect of any entertainment provided at the market or where a Temporary Events Notice (TEN) might be required in respect of the sale of hot food or alcohol. If the Market Operator intends to play any kind of music, whether live or recorded, a [PRS music licence](#) will be required.

GRASS will require evidence of these approvals being obtained prior to the granting of a Markets Licence.

12. Enforcement

GRASS will monitor the application of its Markets Policy and any market event which is operated after the date of the adoption of this Markets Policy will be subject to GRASS's requirements.

Any Market Operator acting in contravention of any Markets Licence granted by GRASS will run the risk of the licence being terminated by GRASS with immediate effect on such terms as GRASS determines and, in such circumstances, GRASS reserves the right to refuse any future applications for market licences submitted by the operator concerned or any person or organisation associated with the operator.

Any costs of, or associated with, enforcement action deemed necessary as a result of the Market Operator's failure to comply with the Market Policy will be recovered from the Market Operator.

13. Review

GRASS will review this policy as necessary. We will continue to evaluate the policy and may update it at any time.

APPENDIX 1 – THE OVAL STANDARD MARKET LAYOUT PLAN

