

## 1. INTRODUCTION

- 1.1 Street markets have been part of the town centres in the UK for many years. In the past they tended to be very local affairs but the last decade has seen a growth in specialist markets such as Continental, German and Farmer's Markets that offer a more specialised experience. Street markets can bring benefits to the Town centre. They offer an alternative shopping experience; a place for social interaction; provide an attraction for tourists and can make a contribution to the local economy. On the other hand, they may take business away from established retailers; they pay no rent and can take up prime dates when the streets could be used for alternative purposes. There is a need, therefore, to take a balanced approach to the issue and the Council will, therefore, support street markets where they contribute to the overall social and economic wellbeing of the Town. This guidance applies to 'Consent Streets' in which street trading will be limited to markets of the type described and that this guidance applies to Market Operators and stall holders involved in such market trading.
- 1.2 The Council has control over areas which have been adopted as Public Highway under law. However some of the streets in the town centre are not owned by the Council and therefore the landowners consent will be required for street trading activities in these streets. This Policy only applies to 'Consent Streets' in which street trading will be limited to markets of the type described section 3 below, in the geographical area shown on map 1 annexed.
- 1.3 The requirements of this policy should be complied with before seeking statutory consents.

## 2. OBJECTIVES

- 2.1 In supporting street markets within Swindon Town Centre, the Council has a number of objectives:
- support the local economy;
  - enhance the shopping experience;
  - provide an additional attraction to encourage more shoppers to the Town Centre;

- encourage local producers and businesses; and
- add vibrancy to the town centre.

### 3. GENERAL PRINCIPLES

3.1 The Council will take the following factors into account when considering proposals for street markets:

- benefit the economy of the Town;
- potential to connect with local businesses;
- provide opportunities for the sale of local produce;
- offer a diverse range of products;
- minimise their impact on the environment and use sustainable methods in their operations; and
- where possible, seek to employ local residents.

3.2 In considering proposals for Street Markets within the town centre, preference will be given to markets in the following order:

- A weekly general market
- Markets offering local produce or craft items;
- Markets that show a link to existing shops and/ or local producers; and
- Markets with no local connections, such as Continental style markets.
- Festive Markets such as a Christmas Market

3.3 The preferred usage for markets in the town centre are set out below, although a market will be considered in any consent street

Markets Options					
Type	Frequency	Location	Duration	Goods	Conditions
Christmas Market	Annual	Canal Walk/Wharf Green	Maximum 21 days, to fit in with the lights switch on	Festive related goods, this includes hot food.	Stall holders must use the chalets provided by InSwindon
					In Swindon are responsible for the site layout of the market
					The layout of the market must be designed to ensure access between shop fronts and chalets for emergency services.
Weekly Market	Weekly	Canal Walk, Wharf Green, Havelock Square	One day per week as agreed between the Market organiser and Licensing Committee	Ideally goods that compliment that which is currently being sold in the town centre	The Stalls used must meet the design code as between the market organiser and licensing committee
				Hot food can be sold but must be subsidiary to the main business of stall.	The layout of the market must be designed to ensure access between shop fronts and chalets for emergency services.

Specialist market	Monthly	Canal Walk, Wharf Green, Havelock Square, The Parade, The Cenotaph, Theatre Square	One day per Month as agreed between the Market organiser and Licensing Committee	Must be in keeping and related to the theme of the specialist market	The layout of the market must be designed to ensure access between shop fronts and chalets for emergency services.
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### 3.3.1

- 3.4 In submitting a proposal to the Council, Market Operator and Stall Holders will be expected to show how their event complies with the above objectives and general principles. The Council will not normally support an application where the above objectives and general principles have not been appropriately addressed.

## 4. GENERAL CONDITIONS

- 4.1 The appearance of a market must ideally enhance, or at least not be detrimental to the street scene. A colour photograph of the market as it would be conducted in the street must be submitted with the application, and precise measurements of height, width and depth of proposed stalls

- Street markets will be limited to one per calendar month (this is in addition to any planned farmers markets which are exempt from this policy).
- Street markets will not be held in the same week as Farmer's markets.
- Traders will provide their own stalls. However in respect of Christmas Market, InSwindon will provide Chalets
- A street market should normally consist of 10 to 50 individual stalls (this would not apply to charity markets).
- A street market will normally be permitted to last not more than 3 days, except Christmas Market which will last no more than 21 days.
- Markets will have a theme in relation to the goods being sold e.g. a continental or Christmas market.

- The use of generators will be prohibited unless absolutely necessarily, in the event of generators being required they will be of a design to minimise noise and pollution.
- Music will not normally be permitted. If you wish to provide music and feel that there are exceptional circumstances to support this you must give notification with the application form. Music will only be permitted if specific consent is granted in that case.
- Other than Christmas markets and continental markets, hot food should only be sold as ancillary to the stall holder's main activity.

## 5. PROCEDURES

### 5.1 Determination of Applications

In Swindon, in consultation with relevant Cabinet Member, opposition spokesmen, Chair of Licencing and ward councillors of the ward(s) in which the market is to be held and, where necessary, with the Head of Public Protection & StreetSmart, will determine if proposals comply with policy. The Council's Licensing Service will determine any proposals, the above objectives and general principles will be taken into account together with the Guidance set out in Section 6. In addition, the history of previous use of the public realm by a Market Operator and Stall Holder will be taken into account, together with the views of other public agencies e.g. Police and Fire Service. Applicants should therefore consider these matters when submitting a Business Case proposal.

In Swindon, will be responsible for facilitating the provision of markets in the town centre and ensuring that the markets comply with this policy.

### 5.2 Risk Assessment

The Market Operator and Stall Holders must undertake a Risk Assessment for the event and forward a copy to the Council six weeks prior to commencement. Failure to do so will result in cancellation of the market. Thereafter, the Market Operator and Stall Holders will be expected to comply with the outcome of the Risk Assessment.

### 5.3 Location

Street Markets will only be allowed within particular areas of the town centre that have been designated as 'Consent Streets'. These are shown on Map 1. No Street Markets

will be allowed out with these specified zones within Business Improvement District area.

#### 5.4 Other Statutory Consents

The Market Operator must ensure that the correct planning and highways consents are in place before submitting a 'street-trading' consent application on behalf of each of the stall holders. Licences are dealt with under the statutory procedures outlined in the Act.

#### 5.5 Management Procedures

Where statutory consents are granted, the Council will expect the Market Operator and Stall Holders to comply with any conditions attached to the grant of any consents and the relevant criteria. Lack of compliance by Operators and/or stall holders may be taken into account when future proposals are considered by the Council.

### 6. GUIDANCE

In submitting a Business Case proposal, the Market Operator and Stall Holders should take the following matters into account.

#### 6.1 Public Safety

The market should not present a significant risk to the public in terms of road safety, obstruction or fire hazard and should not present a risk to public order. If a market stall(s) causes an obstruction to the free flow of pedestrians or access for emergency vehicles, the Council reserves the right to remove such stalls.

#### 6.2 Potential Nuisance

The market should not present a substantial risk of public nuisance from noise, rubbish, fumes, vermin, vibration, smoke or dust. The Market Operator and Stall Holders shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public. Failure to do so may mean removal of the said stall(s).

#### 6.3 Health and Safety

All participants/contractors must comply with the relevant Health and Safety legislation throughout the duration of the market.

The Market Operator and Stall Holders are responsible for all public health and safety aspects of the event prior to, during and subsequent to the event.

All stalls/equipment must be contained within the locations specified and laid out by the Council and must be positioned to allow free flow of pedestrians or access by emergency service vehicles. Ideally there must be a gap of 2 metres around the market to ensure swift and safe evacuation, having regard to the volume of people likely to be in the building.

The positioning of the stall must ensure that emergency vehicles can gain access to building frontages. This applies to items that cannot be quickly and easily removed.

Where food is sold, the Market Operator and Stall Holder will be required to ensure that all participants comply with the relevant food safety legislation:

The Market Operator and Stall Holder shall keep his trading position and the immediately adjacent area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use. Failure to do so may mean removal of the said stall(s).

The Market Operator and Stall Holder shall remove all equipment from the street outside trading hours unless appropriate on-site security measures for their retention have been agreed in advance with the Council. This will not apply in the case of Christmas Markets as InSwindon will provide chalets..

#### 6.4 Amplified Music

The Market Operator and Stall Holder shall not use or suffer or permit any music playing, music re-producing or sound amplification apparatus or any musical instruments radio or television sets unless prior consent has been granted by the Council.

#### 6.5 Advertising

The Market Operator and Stall Holder shall not place on the street or affix to any equipment placed on the street (excluding the trading units) any advertising material of any description whatsoever. The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street, grass or planted area or place or fix any equipment of any description in the said surfaces. The Market Operator and Stall Holder must not attach anything to any street furniture.

#### 6.6 Equipment

The Market Operator and Stall Holder shall not place on the street any furniture or equipment other than as permitted by the Council and the Market Operator and Stall Holder must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.

The Market Operator and Stall Holder shall not remove any existing street furniture without the express permission of the Council.

#### 6.7 Waste

The Market Operator and Stall Holder shall provide at his own cost and expense litterbins or similar receptacles for the deposit of cartons, wrappings, containers and similar discarded items and remove them and their contents at the end of each daily period of use. Thereafter, the waste should be deposited at an appropriate waste site.

The Market Operator and Stall Holder shall retain with any van, cart, barrow or other vehicle or stall included within his consent any water used or waste produced until the end of each daily period. Thereafter it should be removed and disposed of at a suitable waste disposal point. In particular the Market Operator and Stall Holder shall not deposit any such waste near or into any street drain or channel or any public litter bin.

#### 6.8 Use of electricity

The Council may make the provision for the use of electricity for the stall holders and will charge an appropriate fee for this.

#### 6.9 Insurance

The Market Operator and Stall Holders must have at least £5million public liability insurance to cover any activity arising from the trading.

#### 6.10 Fire prevention

No refuse or combustible material is to accumulate in or around any pitch or placed near to electrical fittings.

No hazardous substances or chemicals or inflammable substance should be stored on the pitch. No gas bottles or other high-pressure container to be left on the pitch unattended or over night



Any stall holder that has any form of heat, gas or electrical equipment on or around their stall, must have a fully functioning fire extinguisher.

#### 6.11 Evacuation

In the event of fire, bomb threat or such potentially serious incident which requires the immediate evacuation of the area, instructions will be given by the InSwindon staff.

All traders are advised to make themselves aware of the evacuation procedure in place at the market. On being requested to evacuate by a member of the InSwindon team, emergency services or police, traders should leave the market without delay and where possible and, without danger to themselves or others, assist in directing customers away from the market area.

#### 6.12 Conduct of stall holders

All traders must comply fully with all the rules, regulations and with all terms and conditions of any permit agreement when attending the market and shall comply with all reasonable directions of the Market Operator and InSwindon. The Council's decision is final in all matters and it can remove any trader at its discretion.

All market traders, their servants, agents, employees or contractors are required to conduct themselves in an orderly manner so as not to cause annoyance or inconvenience to other users of the market and to act in a responsible manner and not cause any act of neglect, wilful damage or disturbance to the peaceable enjoyment of the market.

The stallholder shall not use or permit to be used abusive, profane, offensive or insulting language.

In a dispute between a trader and consumer the trader should at all times endeavour to remain courteous and polite. Where the matter cannot be resolved amicably the Market Operator will attempt to arbitrate, if requested to do so. If in his/her opinion the consumer is found to have a justifiable complaint, the trader will be requested, without any liability on the part of the Market Operator, to rectify the matter as recommended.

If the Market Operator is unable to offer a clear opinion or the trader is unwilling to resolve the matter then the consumer will be advised to take the matter to the local

Trading Standards Service. The trader will be expected to comply with the written opinion of the Trading Standards Service.

The stall/ pitch holder will move to another pitch when told by the InSwindon staff with short notice. This is to ensure that complaints or other issues can be dealt with quickly.

The Council reserves the right to restrict or prevent any trader from participating in a market if they breach this policy.

#### 7. REVOCATION & RENEWAL

In accordance with the Local Government (Miscellaneous) Provisions Act 1982, the Council may revoke any consent at any time if, in the Council's opinion, the stall holder is operating in an inappropriate manner contrary to the above objectives, general principles and management and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the Market Operator and Stall Holder in respect of such revocation. Where a consent is revoked the stall holder is entitled to have the fee paid remitted in whole or in part. Consents are only valid for 12 months and then have to be renewed

#### 8. REVIEW

This policy will be reviewed 12 months from the date of commencement.

#### 9. CONTACTING THE COUNCIL

For further information please contact: Licensing Team at:

The Licensing Office  
Swindon Borough Council  
Wat Tyler House  
Beckhampton Street  
Swindon  
SN1 2JH

E-mail: [licensing@swindon.gov.uk](mailto:licensing@swindon.gov.uk)

Tel: 01793 445500

**Appendix A**

**Consent Streets in Swindon Town Centre**

