

NABMA

the voice of markets

DECLARATION OF MARKET POWERS

This is a report template intended for use by local authorities to formally set out their market powers. It is suggested that the report includes the following information:

1. The history of markets
2. The current markets offer
3. The approach to markets
4. Declaration of market powers

In addition to the four issues highlighted there is the option to consider the introduction of a market licensing system

1. The history should provide brief details of how markets have played a part in the life of the area. Reference should be made to any Royal Charter or other ancient grant or market rights. This section will provide a background to the rest of the report.
2. The current market offer should set out details of the days and locations of the markets held by the local authority or managed on behalf of the local authority by a private or other operator. The section might also make reference to other markets held in the local authority area. This is important if it is intended to implement a market licensing system but less important if this is not something likely to be pursued.
3. The approach to markets should provide information on the role of markets and aspirations for the future. This information might be already included in local authority plans or strategy documents. Reference might also be made to partnership arrangements that are relevant to the operation of the markets.
4. This is the really important section of the report. Market powers arise in the following ways:
 - a) Royal Charter or Letters Patent
 - b) Other ancient powers such as Lost Modern Grant, Immemorial User or Prescription
 - c) Local legislation
 - d) Part 111 of the Food Act 1984 Many local authorities enjoy the benefit of Royal Charters or Letters Patent and these powers can still be relevant today but in many cases they do not provide the comprehensive range of powers that exist under Part 111 of the Food Act 1984.

If you are in receipt of a Royal Charter or Letters Patent then information should be provided in the report on the powers they provide including, for example, the day or days where the markets are held. If there is doubt about the nature of the powers then there is no reason why the Royal Charter or Letters Patent cannot be used to provide a historical context to the markets.

If your markets enjoy the benefit of other ancient powers then you should provide such information as you have available. It is unlikely that this will provide details of any specific powers.

Local legislation relates to legislation promoted by individual local authorities and local authorities, working in partnership, to provide particular services and deal with property issues. Some local authorities have included within their local legislation issues relating to markets. Most local legislation was enacted more than a century ago but over the last thirty years there has been some rationalisation of local legislation particularly as a result of different local authority reorganisations. If you are the recipient of local legislation then your report needs to refer to any provisions relating to markets and whether they are still relevant today.

Part 111 of the Food Act 1984 contains the modern statutory framework for markets and it can be used to supplement any of the powers contained in the first three sections.

There are some particularly important sections contained in Part 111 including:

- i. Section 50 - Establishment and acquisition of markets
- ii. Section 52 - Market days and hours
- iii. Section 53 - Market charges
- iv. Section 60 - Market byelaws

What is important is there is no contradiction or inconsistency in your declaration of market powers. As indicated at the outset of this section you should provide as much information about your Royal Charter, Letters Patent or other ancient rights and the extent to which you use Part 111 will be dependant on the range of other powers you currently enjoy.

A market licensing system is one of the most important benefits of market powers and it is suggested that your report contains a final section that highlights this issue and invites the local authority to consider whether it wishes to consider introducing such a system.

A market licensing system enables a local authority operating markets by itself or through a contract to control the holding of other market events within its area. This is primarily to ensure the quality of the market offer and ensure that all market events meet recognised standards.

If there is interest in introducing a market licensing system it is suggested that a separate and more detailed report is submitted which deals with all the relevant issues and draft policy documents (NABMA can supply template market licensing system documents).

Once you have a formal declaration of market powers it is suggested the arrangements are periodically reviewed.