



**Haverling**  
LONDON BOROUGH

# **Market Rights Policy**



**Issued: November 2014**

# **London Borough of Havering's Market Rights Policy**

## **Introduction**

The London Borough of Havering owns the market rights to operate a market, and to licence any other markets within a 6 and 2/3 mile radius of Romford Market. These market rights were granted by the Crown in 1247. Under the Royal Charter of the Liberty of Havering, granted by King Henry III no other market is permitted to set up within a 6 and 2/3 miles radius of the Romford market. Any market within this radius shall be deemed to be a Rival Market.

The legal definition of a market is 'a concourse of buyers and sellers', with five (5) or more trading positions. Any market that falls within the radius area is subject to the confines and requirements of this Market Rights Policy. In this respect, events such as Car Boot Sales, Table Top Sales, Antiques Fairs, Speciality Markets, Farmers Markets and Traditional Markets shall be deemed as rival markets.

## **Managing Market Rights**

Market Rights are used by the London Borough of Havering to manage markets that take place within the 6 and 2/3 miles radius to enable the Council to regulate markets within this area to ensure they are operated in an appropriate manner. This process involves the strategic planning of all markets within the Charter area to ensure sustainability, vitality, viability and compliance with licensing conditions. The London Borough of Havering therefore reserve the right to either grant or refuse a licence of a proposed market which is located within 6 and 2/3 miles and which proposes to operate on the same trading days as Romford Market. These are Wednesday, Friday and Saturday of each week.

The extent of the Council's Charter Rights have been established by the original Royal Charter, subsequent case law and land registration. Licensing rights exist in respect of all markets proposed to be operated on a Wednesday within the Charter area. On Friday and Saturday, the same licensing rights exist other than in respect of a directly operated local authority market held under statutory powers, usually Food Act powers.

A plan showing the extent of the Charter area can be found within this document. It does not extend beyond the River Thames because it is considered that it was not reasonable to exert any control over areas of Kent which cannot be accessed quickly from Romford and therefore do not pose any threat to the Romford Market.

## **Licensing Markets**

Irrespective of the location of any proposed rival market within the Charter area, any permission from the land owner or any planning consent that may

have been approved, a separate Market Rights Licence is still required. Without this document the market cannot take place. Markets will only be considered for licensing once an application for a Market Rights Licence has been submitted. Any market that takes place without such a licence is in breach of the Council's Charter rights and will be subject to legal action.

If the application is successful, a Market Rights Licence will be issued detailing the responsibilities of both the operator and the London Borough of Havering, upon completion of which permission will be granted for the market to operate.

All licensed markets will be monitored and Council Officers may from time to time and without notice visit the market to ensure that all the operator's commitments are being adhered to. Any breaches of or deviations from the Market Rights Licence may result in the removal of the Market Rights permission and the subsequent closure of the market.

The London Borough of Havering's Market Rules and Regulations comprehensively set out the operating and quality standards that need to be met by any operator running a market operation. The approval of a Market Rights Licence is on the condition that these standards are adhered to and fulfilled. In addition, the operator will be required to agree to the terms and conditions of the licence granted under Market Rights Policy and to make all associated payments to the Council.

The London Borough of Havering will require the licensee to assume full responsibility for all operational aspects of the market, including regulatory and legislative requirements such as health and safety, site management, Environmental Health, Trading Standards and the relevant insurances required for the market.

## **Application Process**

Application requirements for a Market Rights Licence are available by post, on the Council's website – [www.havering.gov.uk/romfordmarket](http://www.havering.gov.uk/romfordmarket) or on request by email.

Applications should be submitted to the London Borough of Havering at least 28 days in advance of the proposed market. The London Borough of Havering will review all applications and will appraise each paying particular attention to the following aspects:

1. The type of market and the commodities being offered for sale
2. The purpose of the market
3. The location of the proposed market
4. The length/duration of the market
5. The number and sizes of individual trading spaces

6. The number and type of markets already operating or proposed to be operating within the locality
7. The proposed trading day or days
8. The Health and Safety plans
9. The necessary and required insurances
10. The compliance with quality standards
11. The suitability of the applicant

There will be a presumption in favour of granting an application, however, the Council has to take into account the potential impact on Romford Market of granting a licence and the suitability of the proposed licensee..

Applications must contain the required mandatory information, supporting documents and payment and must be made 28 days in advance of the proposed market. Once a valid Market Rights Licence application is received, the Council will provide a conclusive decision within 14 days.

Successful applicants will then be issued a Market Rights Licence to sign and return, and make payment of the required licence fee, by the prescribed deadline prior to the commencement of the market. Where the signed licence and / or payment are not received by the deadline, the licence will not be completed and the permission will not be granted.

### **Market Rights Licence Payments**

All Market Rights Licences are subject to a payment and licences will not be completed until the corresponding payment has been made as instructed. These payments include a Licence and Administration payment.

The payment will relate to the processing and issuance of documentation and the monitoring of the Market Rights Policy and Licence. Payments are required for all successful applications and these must be made to the London Borough of Havering prior to the issue of the Market Rights Licence providing permission for the operation of the market.

Full details of the payments can be found in the Market Rights Application Form and Payment Information.

### **Licence and Administration Payment**

A licence payment will be charged and this will be based on the type of market. A distinction will be made between car boot and table top sales and all other markets.

The Council may at its complete discretion agree a revised payment arrangement if a single market event is being operated by a registered charity or on behalf of a registered charity (with its agreement). Applicants must

provide sufficient evidence, as considered necessary by the Council, to support any such application.

On occasions a market may apply for and be licensed for a certain amount of trading spaces but then may find that the actual event operates with more trading spaces than initially expected. In such circumstances, the London Borough of Havering must be notified of this variation within seven (7) days after the market has taken place. You will then be required to pay any additional licence payment and will be issued with a confirmation of the variation to the licence.

Administration payments relate to the issuance of documentation.

### **Returned Payments**

Cashless payments returned as unpaid for any reason (e.g. insufficient funds) will be subject to an administrative payment and an alternative payment method will need to be agreed with the London Borough of Havering.

### **Payment Refunds**

Applicants may apply to cancel a Market Rights Licence and will be entitled to a refund of the licence payment provided that written notice is received at least seven (7) days prior to the actual date of commencement of the proposed market. Administration payments are not refundable. When cancelling a Market Rights Licence, all the necessary arrangements need to have been instigated to advise the general public of the cancellation of the market and evidence of which must accompany the written cancellation notice.

### **Type of Market**

#### **Car Boot sales and Table top Sales**

Car boot sales and table top sales should be restricted as far as possible to householders selling surplus household articles. No new goods should be available for sale. The car boot and table top sale description will also cover events such as computer, records/cd's/Dvd's, toy and book fairs providing all other car boot and tabletop sale criteria are met.

Each car boot and table top sale trading position (pitch space) is defined as an area of no more than 6m<sup>2</sup>. Where a trading position exceeds this size it should be considered as a multiple unit. Therefore trading positions over 6m<sup>2</sup> will be classed as two units, those over 12m<sup>2</sup> will be classified as three units and so forth.

## **All Other Markets**

All other markets include Antique, Speciality, Farmers and Traditional markets. Traditional markets will be general retail markets where a variety of goods are available including new items. This can include car boot and table top sales where the sellers are not householders selling surplus household items. Specialist Markets are those where there is a specialised theme or grouping of commodities that make the event more than either a car boot sale or traditional market. Examples of these include Antique, Farmers markets, speciality food type markets like Italian, Spanish, French, etc.

Each trading position (pitch space) is defined as an area of no more than 6m<sup>2</sup>. Where a trading position exceeds this size it should be considered as a multiple unit. Therefore trading positions over 6m<sup>2</sup> will be classed as two units, those over 12m<sup>2</sup> will be classified as three units and so forth.

## **Non-compliance with this Policy or the conditions of a licence**

Any non-compliance will be raised in the first instance with the individual or organisation in order to seek corrective action. Should this not be forthcoming, the London Borough of Havering may terminate any licence immediately and if necessary take legal action against the individual or organisation. In these circumstances there will be no entitlement to a refund of any payments. In addition, the London Borough of Havering reserves the right to refuse any future Market Rights Licences to events that are proposed by such individuals, business or organisations.

## **Complaints**

If any party wish to make a complaint about any Market Rights Licensing matters then please write or email providing us with your contact details and as much information as possible in order for us to deal with your complaint quickly. You should address your complaint to the Market Manager. The Council aim to provide you with a full response to your complaint within 10 working days of receipt.

## **Appeals**

Any applicant whose Market Rights Licence application is unsuccessful or any licensee whose licence is withdrawn, may appeal in writing to the Director of Asset Management within 14 days of receipt of any notice. The notice shall remain effective until the determination of the appeal by the Director of Asset Management (or his deputy). The written appeal must include your name, address, contact telephone numbers, email address and must clearly state the reasons why you are appealing. Within 14 days following receipt of the written appeal, the Director of Asset Management (or his deputy) shall confirm his decision in writing, which shall either uphold the appeal or confirm the

outcome of the notice. The decision made by the Director of Asset Management (or his deputy) shall be final.

**General Contact details**

**Postal address:** Market Rights, London Borough of Havering, Market Office, 96 Tollgate House, Market Place, Romford, Essex, RM1 3ER.

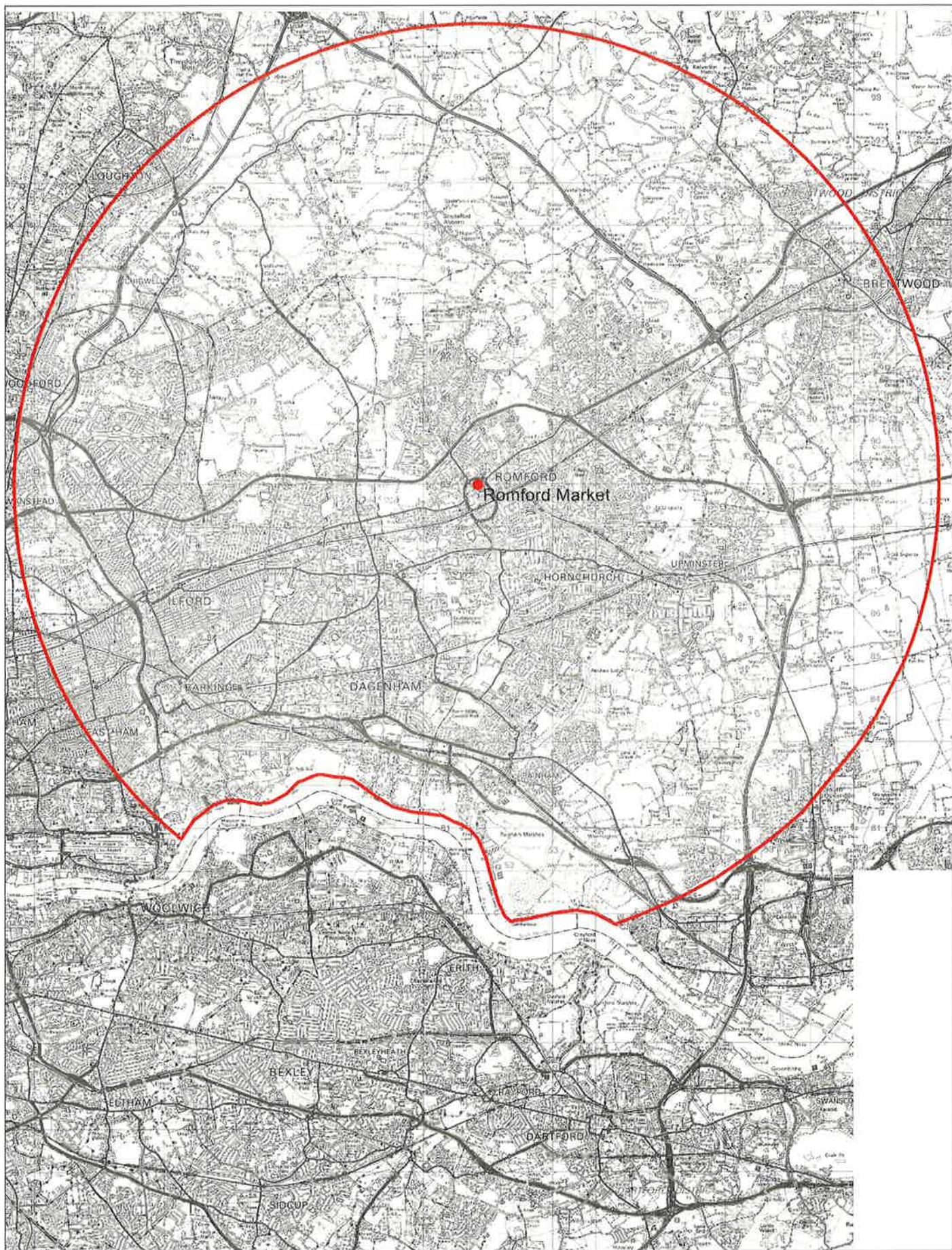
**Telephone numbers:** 01708 433324 / 01708 434112 / 01708 434113

**Email:** [matthew.steele@haverling.gov.uk](mailto:matthew.steele@haverling.gov.uk)

**Website:** [www.haverling.gov.uk/romfordmarket](http://www.haverling.gov.uk/romfordmarket)







Romford Market Charter Radius



Scale: 1:40000

Date: 30 September 2014

0 500 1000 1500 metres



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Town Hall, Main Road  
Romford, RM1 3BD  
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**Haverling**  
LONDON BOROUGH

# **Romford Market Rights**

## **Application Form and Licensing Information**



**Issued: November 2014**

## **General Payment Information**

Payments are only required for successful applications and must be made prior to completion of the Market Rights Licence agreement, and on request as required. Payment can be made via BACS, cheque, payable to 'London Borough of Havering' or by debit / credit card by visiting the office.

## **Market Rights Administration Payment**

Administration payments of £50.00 per application for an individual market including those operating over more than one consecutive day apply to all applications and are not subject to any discount.

## **Returned Payments**

An administrative payment of £25.00 will apply to any payment not honoured by the bank for any reason. In this event, an alternative payment method will be required.

## **Market Rights Licence Payments**

Licence payments apply in addition to the administration payment. Payments are per day the market operates and based on the type of market being presented with a distinction being made between car boot / table top sales and all other types of markets as listed below:

**Car Boot and Table Top Sales:** Each car boot or table top sale trading position (pitch space) is defined as an area of no more than 6m<sup>2</sup>. Trading positions over 6m<sup>2</sup> will be classed as two positions, those over 12m<sup>2</sup> will be classed as three positions and so forth:

1. Up to 20 trading positions: £80 per day
2. From 21 to 50 trading positions: £3.50 per additional trading position per day (+£80 for first 20)
3. 51 & over trading positions: £3.00 per additional trading position per day (+£185 for first 50)

**Traditional, General and Specialist Markets:** Each market trading position (pitch space) is defined as an area of no more than 6m<sup>2</sup>. Trading positions over 6m<sup>2</sup> will be classed as two positions, those over 12m<sup>2</sup> will be classed as three positions and so forth:

1. First 20 trading positions: £160 per day
2. From 21 to 50 trading positions: £7.00 per additional trading position per day (+£160 for first 20)
3. 51 & over trading positions: £6.00 per additional trading position per day (+£370 for first 50)

## **Charities**

The Council may at its complete discretion agree a revised payment arrangement if a single market event is being operated by a registered charity or on behalf of a registered charity (with its agreement).



**Havering**  
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## **London Borough of Havering –**

## **Market Licence Application Form**

### **Name of Applicant / Business**

Title: Mr ☐ Mrs ☐ Ms ☐ Other (please state) ☐

First Name: \_\_\_\_\_

Surname: \_\_\_\_\_

Company Name: \_\_\_\_\_

Company Registration Number: \_\_\_\_\_

### **Address of Applicant**

\_\_\_\_\_

\_\_\_\_\_

Post Code: \_\_\_\_\_

### **Telephone contact details**

Mobile Contact: \_\_\_\_\_

Home Contact: \_\_\_\_\_

Business Contact: \_\_\_\_\_

### **Email contact details**

Email address: \_\_\_\_\_

**Proposed dates of market trading**

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**Market location details**

Venue / proposed site of market: \_\_\_\_\_

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Number of trading spaces proposed: \_\_\_\_\_

Proposed size of individual trading spaces: \_\_\_\_\_

Charge per individual trading space: \_\_\_\_\_

When providing details on trading spaces please supply information using the Council's definition that a trading space is an area of no more than 6m<sup>2</sup>. Trading spaces over 6m<sup>2</sup> will be classed as two trading spaces, those over 12m<sup>2</sup> will be classed as three trading spaces and so forth.

**Market type details**

What type of Market will be operated?

Traditional Market ☐

Car Boot ☐

Table Top ☐

Open Air ☐

Towed Trailer ☐

Specialist ☐

Other ☐ Please state:

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**Charity markets**

If the market is run by or on behalf of a charity then please provide the charity number and contact details below or attached to this form.

Charity number: \_\_\_\_\_

Contact details: \_\_\_\_\_

**Items to be sold on the market (tick all that apply)**

Food

☐

Electrical Hardware / Goods

☐

Furniture or decoration

☐

Fashion and clothing

☐

Miscellaneous

☐

**Please provide any further details below:**

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**Health and Safety**

Please provide full details of the Health & Safety policies that are in place for the operation of the proposed market including all Risk Assessments.

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**Insurances**

Please provide full details of all Insurances that will be put in place for the operation of the proposed market and attach copies of all relevant documentation.

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**Food Hygiene (food vendors only)**

Please provide full details of all Food Hygiene certificates held that are relevant to the operation of the proposed market and attach copies of all relevant documentation.

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**External consents**

Are any external consent consents from any external regulatory authorities or departments required?

Yes ☐

No ☐

If yes, please list the required or granted consents (Or attach copies of consents to this form)

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**Policies**

Please provide a copy of your Market Management Regulations.

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**Layout Plans**

Please provide details of copy of your proposed market layout and attach plans.

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**Required Equipment**

Please list details of any equipment to be used including generators, cabling, cookers, etc.

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**Planning Permission**

If planning permission is required to operate the market, has it been obtained?

Yes ☐

No ☐

Please provide further details below or attach a copy of the planning permission to this application:

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**References**

Please provide documentary evidence and/or references demonstrating the applicants experience and track record in operating a market.

1) 

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2) 

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### Trading History

Have you ever been refused or had withdrawn an agreement to operate or trade at a market?

Yes ☐

No ☐

If yes, please provide full details:

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Have you ever been the subject of any criminal, civil or disciplinary action in connection with the operation of a market or trading at a market?

Yes ☐

No ☐

If yes, please provide full details:

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**I have read the London Borough of Havering's Market Rights Policy and the Market Rights Payment information and I agree to abide by the general conditions in the event I am licenced to operate a market. The information contained within this application is true to the best of my knowledge and belief.**

**Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

**Printed Name** \_\_\_\_\_

